

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 963 of 2016

Date of Decision: 25.02.2019

LAL CHAND AND OTHERS

....Petitioners

VS.

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD. AND OTHERS

...Respondents

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
 HON'BLE MR. JUSTICE HARNARESH SINGH GILL.

Present: Mr. Varinder Kumar, Advocate,
 for the petitioners.

 Mr. R.S. Longia, Advocate,
 for respondents No. 1 to 3.

 Mr. Sajjan Singh, Advocate,
 for respondent No. 4.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is preferred by the residents of Ward No. 1, Near G.D. Goyanka School, Budh Nagar, Sohna, District Gurgaon for seeking a writ in the nature of *Mandamus* to direct the respondents to install new transformers and L.T. lines and shifting of supply of electricity from Rural Domestic Service (RDS) to Urban Mix Feeder at Berka Road, Ishwar Dhani and Ishwar Colony.

After notice, respondents No. 2 and 3 have filed their reply in which it is averred that “*the municipality concerned, in the limits of which the rural feeder area comes to be covered, is required to bear the expenses of infrastructure required to be created/installed for shifting the rural area/feeder to urban mixed feeder. In this regard, the Secretary, Municipal Council, Sohna had informed the answering respondents vide his letter*

Memo No. 1221 dated 10.09.2014 Annexure R-1, that the Municipal

*Council, Sohna has decided to bear the expenses for conversion of the rural feeder in question in to urban feeder. Accordingly, a request/requisition with estimated expenditure of ₹4,74,783/- was sent to the Secretary Municipal Council, Sohna by the SDO, OP. Sub Division, DHBVN, Sohna vide Endst. No. 483 dated 08.03.2016 **Annexure R-2**. However, no response has so far been received from the Municipal Council, Sohna till date nor the requisite amount has so far been deposited.”*

On the last date of hearing, learned counsel for respondent No. 4 had made a request for an adjournment to file reply, if any. Today, he has submitted, on instructions, that the Municipal Council, Sohna has already passed a resolution to bear the expenses but the expenses are to be brought to their notice by the respondents No. 1 to 3.

We have heard learned counsel for the parties and after taking into consideration the aforesaid facts and circumstances much less, the averments made by respondents No. 2 and 3 in para 2 of their short reply referred to hereinabove, we are of the considered opinion that the estimated expenditure of ₹4,74,783/- has already been brought to the notice of the Municipal Council, Sohna by the SDO, OP. Sub Division, DHBVN, Sohna vide Endst. No. 483 dated 08.03.2016, therefore, it does not lie in the mouth of Municipal Council, Sohna to say that they are not aware of the expenditure to be incurred or deposited by them for the grant of prayer made by the petitioners in this petition.

In view of the aforesaid, present petition is hereby allowed and respondent No. 4 is directed to deposit the amount of ₹4,74,783/-, as mentioned in para 2 of the reply of respondents No. 2 and 3, within a period of two weeks from the date of receipt of certified copy of this order and

respondents No. 1 to 3 are also directed to provide the necessary facilities as prayed for by the petitioners in this petition within a period of two weeks thereafter.

February 25, 2019

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

Whether speaking / reasoned :	Yes	/	No
Whether Reportable :	Yes	/	No