

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

1) LPA No.813 of 2017 (O&M)

Punjab State Power Corporation Limited
and others

....Appellants

Versus

Ranjit Singh and others

...Respondents

2) LPA No.815 of 2017 (O&M)

Punjab State Power Corporation Limited
and others

....Appellants

Versus

Madan Lal and others

...Respondents

3) LPA No.817 of 2017 (O&M)

Punjab State Power Corporation Limited
and others

....Appellants

Versus

Harmesh Kumar and another

...Respondents

Date of Decision : 14.05.2019

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present : Mr.Vishal Chaudhri, Advocate
for the appellants.

Mr.R.V.S.Chugh, Advocate
for the respondents/caveators
in LPA Nos.813 & 817 of 2017.

Mr.S.C.Nagpal, Advocate
for the respondents/caveators
in LPA No.815 of 2017.

MAHESH GROVER, J.(O)

The aforesaid three appeals bearing LPA Nos.813, 815 and 817
of 2017 have been filed by the Punjab State Power Corporation Limited (in
short 'the Power Corporation') against the common judgment of the learned

Single Judge dated 30.03.2017.

The Power Corporation is desirous of laying down transmission lines through the lands of the landowners/respondents. The learned Single Judge referred to the notification dated 30.05.2014 and held it to be vague and in contravention of the provisions of law that would require a proper notice to the landowners with proper identity of the lands so as to enable them to file objections in the event of their lands being put to use for laying down the transmission lines. We also deem it appropriate to extract such notification herein below as it would help in the narrative of facts :-

“ Notification

Dated 30 May, 2014

No.:16/T.S.N.-207/Vol.III-It is hereby notified that Punjab State Power Corporation Limited (here-in-after called the PSPCL) proposes to undertake the following schemes/transmission works necessary for the dispersal/distribution of power for the improvement of the transmission and distribution system of the Punjab State Power Corporation Limited:

66 KV TRANSMISSION WORKS FOR THE YEAR 2014-15

Sr.No.	Name of work	Scope of work Approx.Length of Line in Kms.	Size of conductor/cable size	Approx.cost (Rs.in Lacs)
1.	Route Plan of 66 KV LILO line of existing Patiala-Passiana line at Rail Majra (DC on DC)	0.173 KM	0.2 Sq.Inch	605
xx	xxx	xxx	xxx	xxx
16.	Route Plan of 66 KV SC on DC line from 66 KV S/S Chabbewal to 66 KV S/S Sadhu Ashram	9.887 KM	0.2 Sq.Inch	200.21”

A bare perusal of the aforesaid notification would leave no manner of doubt that it is sans any specifics of the lands likely to be affected and as a direct implication thereof deprive the landowners of their right to object.

We, therefore, have no hesitation in upholding the judgment of the learned Single Judge to decline interference in the present appeals.

At one stage of the proceedings, we had asked the respondents, who are on caveat, whether they are willing to accept the compensation now that they are aware of the intended route for the transmission lines, to which the response has been in negative, as according to them the District Magistrate did not offer much, considering that the utility of the lands is likely to be impaired. Besides, we are in complete agreement with the learned Single Judge that the procedure as envisaged in Section 68 of the Electricity Act, 2003 was not complied with.

Appeals dismissed.

(MAHESH GROVER)
JUDGE

14.05.2019
dss

(LALIT BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No