

**Civil Revision No.2159-2018(O&M)
and other connected cases**

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

**Civil Revision No.2159-2018(O&M)
and other connected cases
Date of Order: 19.02.2020**

Parbati Koldam Transmission Co.

..Petitioner

Versus

Karnail Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. I.S.Sidhu, Advocate,
for the petitioner (in CR No.2159 to 2162, 3017, 3098
5490, 5505 and 5373 of 2018 and
for respondent no.1 (in CR Nos.3084, 3943, 3944, 4451, 6005,
6187 of 2018, 791 and 933 of 2020).

Mr. Rajesh Goyal, Advocate, for
Mr. Pritam Saini, Advocate,
for the petitioner (in CR Nos.3084, 3943, 6005,3944,6187,
4451 of 2018,791 and 933 of 2020.
for respondent no.1 (in CR Nos.2159 to 2162, 3017, 3098,
5490, 5505 and 5373 of 2018).

Mr. Satyapal Jain, Additional Solicitor General of India
with Ms. Sharmila Sharma, Senior Penal Counsel, U.O.I.,
for respondent no.2 (in CR Nos.791 and 933-2020).

Mr. Shantanu Bansal, Advocate, for
Mr. Alok Mittal, Advocate,
for respondent no.3(PSPCL) in CR Nos.2159 to 2162,
3017, 3098, 5490, 5505 of 2018, 791 and 933-2020).

ANIL KSHETARPAL, J.

By this order, Civil Revision Nos.2159, 2160, 2161, 2162,
3017, 3098, 5490, 5505, 4451, 5373, 3084, 3943, 6005, 3944 and 6187 of
2018, 791 and 933 of 2020 shall stand disposed of.

One set of Civil Revisions i.e. Civil Revision Nos.4451,3943,
6005, 6187, 3944, 3084 of 2018, 791 and 933 of 2020 are filed by the

landowners whereas other set of civil revisions have been filed by Parbati Koldam Transmission Company Ltd..

In order to augment supply of electricity from Koldam Hydroelectric Project to 400 KV Power Grid Sub-Station, Ludhaian, towers and transmission line have been laid over the land owned by the land owners. Transmission line has been laid to carry current of 400 KV/D/C voltage. To support the transmission line, towers have been installed in the land. It has come in evidence that towers have been installed in the land owned by Karnail Singh and Prem Lal.

Land owners filed petitions under Section 16(3) of the Indian Telegraph Act, 1885 and the Electricity (supply) Act, 1948 for determining the compensation payable. In all these cases, land owners claim that poplar trees were cut and removed before installing towers and transmission line. Wheat crop standing in the land was also damaged. Some land has also been used for installing towers.

Parbati Koldam Transmission Company Ltd. contested the petition by stating that no part of the land has been acquired and the land underneath the transmission line can be used by the land owners.

Learned court framed the following issues for determination:-

- “1. *Whether the compensation awarded by the competent authorities is inadequate?OPP*
2. *Whether the petitioner is entitled for enhancement of compensation, if so to what extent?OPP*
3. *Whether the petition is not maintainable in the present form?OPR*
4. *Whether the present petition is barred by time?OPR*

5. *Relief.”*

After permitting the parties to lead their evidence, learned Additional District Judge, Rupnagar, proceeded to decide all these cases.

Learned court while relying upon report of Sh. Balwant Singh, retired Deputy Forest Range Officer, assessed the compensation for loss suffered by the land owners on account of cutting and removing of the poplar trees. The court also assessed compensation payable for piece of land used for installing towers. That is how the present revision petitions have been filed under Article 227 of the Constitution of India.

On the one hand, learned counsel for the land owners have submitted that the compensation assessed needs to be suitably enhanced. Whereas on the other hand, learned counsel appearing for the Parbati Koldam Transmission Company Ltd. has contended that the compensation assessed is on the higher side, hence required to be reduced.

At the outset, it must be noted that whenever the Court is proceeding to determine the compensation payable for the land used/acquired, it is always better to identify the various heads under which compensation is being claimed. Then it becomes easy and convenient for the court to assess the compensation under various heads. In the present case from the reading of the judgment passed by learned Additional District Judge, it is apparent that the learned Court did not identify the various heads under which the compensation is being claimed. The learned Additional District Judge has also overlooked the fact that on the one hand land owners claimed that the poplar trees were cut and removed by the Parbati Koldam Transmission Company Ltd., whereas it is the stand of Parbati Koldam Transmission Company Ltd. that the trees were removed by the land

owners. Still further, there is no finding as to how much damage was caused to the wheat crop when the transmissions lines were laid. The court has further failed to determine the compensation, if any, payable under the following heads:-

1. Damage/adverse effect on the agriculture produce with respect to land which falls under the transmission line or the tower;
2. Damages, if any, payable to the land owners since they cannot plant trees on 46 meter wide strip of land adjacent to the transmission line. The land owners cannot also install tubewell on 16 meter wide strip of land under the transmission line.
3. Whether the Parbati Koldam Transmission Company Ltd. had taken away the trees which had been cut in order to lay the transmission lines.

Keeping in view the aforesaid facts, it is considered appropriate to remit the cases back to the learned Additional District Judge/trial Court to re-decide the cases.

Parties through their counsels are directed to appear before the learned trial Court, on 06.03.2020.

Disposed of accordingly.

19th February, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No