

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND
THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION (PIL) NO: 162 OF 2018 AND C.C.NO: 100 OF 2019

WP (PIL) No: 162 of 2018

Between:

Moinuddin Khan, S/o late Mohd Zama Khan, Aged about 65 yrs, Ono. Pensioner,
R/o H.no. 19-4-279/A/11/C, Ghousi Nagar, Nawab Sahab Kunta, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, through its Principal Secretary, Energy Having office at T.S. Secretariat, Hyderabad.
2. The Talangana State Southern Power District Company Ltd, rep. by its Chief General Manager, Mint Compound, Hyderabad,
3. The Petroleum and Explosives Safety Organisation, A block, 5th Floor, CGO Complex, Seminary Hills, Nagpur-440 006
4. Transmission Corporation of Telangana State, (TS Transco) rep by Chief Engineer Construction Vidyuth Soudha Kharatabad Hyderabad.
5. The Petroleum and Natural Gas Regulatory Board, rep by its Chairman Having Office at
6. The Central Electricity Authority, Rep by its Chairman Having office at Sewa Bhawan R K Puram Sector -1 New Delhi 110 086
7. The District Collector, Hyderabad District having office at D C Office Chirag all Lane Abids Hyderabad
8. The Department Of Electrical Inspectorate, Rep by its Chief Electrical Inspector State of Telangana Having Office at Vidyut Souda Building Hyderabad
9. The Telangana State Electricity Regulatory Commission, Rep by its Chairman Having Office at Vidyut Souda Hyderabad

(R4 is impleaded as per court order dated 28.08.2018 in IA No 2/2018)

(RR 5 to 9 are impleaded as per Court Order Dated 30/01/2019 in IA No 4/2019.)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or writs more particularly a writ of mandamus declaring that the action of the respondent No.2 in setting up a 132/33 KV and 11/32 KV, electric sub station, within 1.5 meters from a running petrol bunk/station and 2 meters from a government maternity hospital, at Petla Burj, City College Road, Hyderabad, is illegal and against the Electricity Act and Rules.

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No.2 to stop the work of setting up a 132/33 KV and 11/32 KV Electric Sub Station, within 1.5 meters from a running Petrol Bunk/Station and 2 meters from a Govt. Maternity Hospital, at Petla Burj, City College Road, Hyderabad, pending disposal of the present W.P. (PIL), in the interest of justice and equity.

IA NO: 3 OF 2018

Between:

TS TRANSCO, Rep by Chief Engineer Construction Vidyuth Soudha Khairatabad Hyderabad.

...PETITIONER/PROPOSED RESPONDENT NO. 4

AND

1. Moinuddin Khan, S/o late Mohd Zama Khan, Aged about 85 yrs, Occ. Pensioner, R/o H.no. 19-4-279/A/11/C, Ghouse Nagar, Nawab Sahab Kunta, Hyderabad.

.....RESPONDENT/PETITIONER

2. The State of Telangana. Rep. by its Principal Secretary, Energy Having office at T.S. Secretariat, Hyderabad.
3. The Telangana State Southern Power District Company Ltd. rep. by its Chief General Manager, Mint Compound, Hyderabad.
4. The Petroleum and Explosives Safety Organisation. A block. 5th Floor, CGO Complex, Seminary Hills, Nagpur-440 008
5. The Petroleum and Natural Gas Regulatory Board, rep by its Chairman Having Office at
6. The Central Electricity Authority. Rep by its Chairman Having office at Sewa Bhawan R K Puram Sector -1 New Delhi 110 068
7. The District Collector, Hyderabad District having office at D C Office Chirag ali Lane Abids Hyderabad
8. The Department Of Electrical Inspectorate, Rep by its Chief Electrical Inspector State of Telangana Having Office at Vidyut Souda Building Hyderabad
9. The Telangana State Electricity Regulatory Commission. Rep by its Chairman Having Office at Vidyut Souda Hyderabad

...RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders dated 26-06 -2018 in I.A.No. 01 of 2018 in W.P(PIL)No.162 of 2018 and dismiss the writ petition.

Counsel for the Petitioner: SRI. MOHD OSMAN SHAHEED

Counsel for the Respondent No.1:GP FOR ENERGY/ADDL. ADVOCATE GENERAL

Counsel for the Respondent Nos. 2 & 4: SRI. R. VINOD REDDY, SC FOR TSTRASNCO

Counsel for the Respondent No. 9: SRI. J. ASHVINI KUMAR

Counsel for the Respondent Nos. 3, 5 to 8:

CC NO: 100 OF 2019

Contempt Case Under Sections 10 to 12 of Contempt of Courts Act to Punish the Respondent herein for, willfully violating, the Order of the High Court dated 26.06.2018 in IA No. 1 of 2018 in WP(PIL).No.162 of 2018.

Between:

Moinuddin Khan, S/o Late Mohd Zama Khan, Occ Pensioner, R/o H.No. 19-4-279/A/11/C, Ghous Nagar, Nawab Sahab Kunta, Hyderabad

...PETITIONER/PETITIONER

AND

Smt. Uma Rani, W/o J Vidhyaniadhan, Chief Engineer, Constructions, TS
TRANSCO, Vidhyuth Soudha, Kharalnabad, Hyderabad-500082

...RESPONDENT

Counsel for the Petitioner: SRI. MOHD OSMAN SHAHEED

**Counsel for the Respondent: SRI.NAMAVARAPU RAJESHWAR RAO, ASST.
SOLICITOR GENERAL**

The Court made the following: COMMON ORDER

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE N. TUKARAMJI

WRIT PETITION (PIL) No.162 of 2018 and C.C.No.100 of 2019

COMMON ORDER: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

Regard being had to the controversy involved in the aforesaid cases, they were heard together and are being decided by a common order.

The facts of W.P (PIL).No.162 of 2018 are reproduced as under:-

The present writ petition has been filed as a public interest litigation by the petitioner, who is a retired Assistant Sub Inspector of Police, stating that the respondent No.2 is establishing a 132/33 KV and 11/32 KV electric substation within 1.5 km from a running petrol bunk on its western side and 2.00 metres away from a Government Maternity Hospital falling on its eastern side. It has been stated that the respondents State is violating the Central Electricity Authority (Safety Requirements for Construction, Operation and Maintenance of Electrical Plants and Electric Lines) Regulations, 2011, as well as the Notification dated 12.02.2016 issued by the Petroleum and Natural Gas Regulatory Board and therefore, the following prayer has been made in the public interest litigation:-

"It is therefore humbly prayed that this Hon'ble Court may be pleased to issue a writ or writs more particularly a writ of mandamus declaring that the action of the respondent No.2 in setting up a 132/33 KV and 11/32 KV, electric sub station, within 1.5 metres from a running petrol bunk/station and 2 metres from a government maternity hospital, at Pedla Burj, City College Road, Hyderabad, is illegal and against the Electricity Act and Rules.

It is also humbly prayed that this Hon'ble Court may be pleased to direct the respondents No.2 to stop the work of setting up a 132/33 KV and 11/32 KV, electric sub station, within 1.5 metres from a running petrol bunk/station and 2 metres from a government maternity hospital, at Pedla Burj, City College Road, Hyderabad, pending disposal of present W.P.(PIL), in the interest of justice and equity."

A counter affidavit has been filed in the matter by the Transmission Corporation of Telangana Limited (TSTRANSCO) and it has been stated that the TSTRANSCO technical team has inspected the allotted land and taking into consideration the small extent and the presence of petrol station adjacent to the land, has proposed the Gas Insulated Substation (GIS) and erection of fire protection walls with a height of 9 metres i.e., 30 feet abutting the petrol station for protecting and isolating the same. It has further been stated that there shall be no openings in the building to be constructed towards the petrol station and the height of the building shall be more than 11 metres with specially reinforced

walls to avoid any fire or any accidents. Learned counsel for the petitioner, at this stage, has stated before this Court that a tender has been issued. However, such specifications do not find place in the tender.

Learned counsel appearing for the TSTRANSCO is fair enough in stating before this Court that they shall be issuing a tender keeping in view the statement made in the counter affidavit in paragraphs 7 and 11. Paragraphs 7 and 11 of the counter affidavit filed by the TSTRANSCO are reproduced as under:-

"7. It is submitted that the TS TRANSCO Technical Team has inspected the allotted land and after taking into consideration the small extent and the presence of the Petrol Station adjacent to the land has proposed the Gas Insulated Sub Station (GIS) and erection of Fire Protection walls with a height of 9 meters i.e., 30 feet abutting the petrol Station for protecting and isolating the same. There shall be no openings in the building to be constructed towards the Petrol Station and the height of the building shall be more than 11 meters with specially reinforced walls to avoid any fire or any accidents.

11. It is submitted that the letter dated: 11/07-2018 of the manufacturer of Nitrogen Injection Type Fire Prevention cum Extinguish System (NIFPS) discloses that the said systems are installed in the refineries of Hindustan Petroleum Corporation Limited, Bharat Petroleum Corporation Limited, Indian Oil Corporation Limited, Oil and Gas Corporation Limited and Gas Authority of India and also in Nuclear Plants. The letter also states that about 86 transformers of 500

MVA, 400 KV have been saved from explosions and fire by utilizing the NIFPS. The Performance Certificate dated:17-07-2014 issued by Hindustan Petroleum Corporation Limited (HPCL) that the Nitrogen Injection Transformer Explosion Prevention and Fire Extinguishing System installed from the year 2007 in various Transformers at HPCL are found working satisfactorily since commissioning. Thus the equipment that is proposed to be installed at the present 132/33 KV Sub Station is of high and latest Standards and suitable to be erected in smaller areas."

In the light of the aforesaid, the present public interest litigation is disposed of with a direction to the respondents to issue a tender strictly in consonance with the statement made on an affidavit before this Court and the respondents are permitted to establish 132/33 KV and 11/32 KV electric substation, subject to fulfilment of the conditions mentioned above.

In view of the above, the contempt case is also closed.

The miscellaneous applications pending, if any, shall also stand closed. There shall be no order as to costs.

SD/- M.RAMANA KRISHNA
DEPUTY REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Principal Secretary, Energy, State of Telangana, office at T.S. Secretariat, Hyderabad.
2. The Chief General Manager, Telangana State Southern Power District Company Ltd, Mint Compound, Hyderabad.
3. The Petroleum and Explosives Safety Organisation, A block, 5th Floor, CGO Complex, Seminary Hills, Nagpur-440 006
4. The Chief Engineer Construction, Transmission Corporation of Telangana State, (TS Transco), Vidyuth Soudha Khairatabad Hyderabad.
5. The Chairman, Petroleum and Natural Gas Regulatory Board,
6. The Central Electricity Authority, Rep by its Chairman Having office at Sewa Bhawan R K Puram Sector -1 New Delhi 110 066

7. The District Collector, Hyderabad District having office at D C Office Chirag ali Lane Abids Hyderabad
8. The Department Of Electrical Inspectorate, Rep by its Chief Electrical Inspector State of Telangana Having Office at Vidyut Souda Building Hyderabad
9. The Telangana State Electricity Regulatory Commission, Rep by its Chairman Having Office at Vidyut Souda Hyderabad
10. Smt. Uma Rani, W/o J Vidhyanadhan, Chelf Engineer, Constructions, TS TRANSCO, Vidhyuth Southa, Khairathabad, Hyderabad-500082
11. 2 CCs to Sri. Mohd Osman Shaheed, Advocate [OPUC]
12. One CC to Sri.R. Vinod Reddy, SC for TSTRASNCO [OPUC]
13. One CC to Sri. J. AShvini Kumar, Advocate [OPUC]
14. One CC to Sri. N. Rajeshwar Rao, Asst. Solicitor General [OPUC]
15. Two CCs to GP for Energy. High Court for the State of Telangana. [OUT]
16. Two CCs to GP for Advocate General, High Court for the State of Telangana. [OUT]
17. Two CD Copies.
18. One Spare Copy.

PM

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HIGH COURT

DATED:31/12/2021



COMMON ORDER

WP(PIL).No.162 of 2018 & CC.No. 100 of 2019

Disposing of the WP(PIL) and
Closing the CC
Without costs.

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28/2/22
JVT