

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

257

**CWP-23264-2021
Date of decision: 11.10.2022**

SUBHASH BANSAL

.....Petitioner

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD.AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Ankit Rana, Advocate
for the petitioner.

Mr. Piyush Bansal, Advocate for
Mr. Vishal Garg, Advocate
for respondents No.1 & 2.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been instituted under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of Mandamus directing the respondents No.1 and 2 to energize 200 KVA Transformer installed by respondent-UHBVN in Vashisht Nagar, Ambala Cantt. at the earliest.

Briefly summarized the facts of the case are that the Superintendent Engineer of Operation Circle, UHBVN, Ambala had sanctioned the estimates for installation of 200 KVA transformer and to maintain the load of existing 200 KVA Transformer SOP to LD system Moti Bagh. The said transformer had been installed by the UHBVN, however, the supply to the same was not connected. Respondent No.3, who was however

not satisfied and happy objected to the aforesaid by filing Civil Suit No. 219/RBT/2021 titled as “*Nand Kishore Sood versus Uttar Haryana Bijli Nigam Ltd. and others*” for permanent injunction. The application under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure was allowed by the Civil Judge, Junior Division (Ambala) on 28.07.2021 against which an appeal was filed by the petitioner before the District Judge, Ambala. The said appeal was allowed and the order dated 28.07.2021 passed by the Civil Judge, Junior Division (Ambala) was set aside vide judgment dated 13.08.2021 (Annexure P-3).

Aggrieved thereof, respondent No.3 approached the High Court by means of filing Civil Revision No. 1679 of 2021 which such revision was also dismissed vide order dated 23.08.2021.

The instant petition was thus filed that in the absence of any stay order from any competent Court of law, the work of energization of 200 KVA Transformer be undertaken so that more than 500 families who were residing in the nearby localities could get relief from the problem of overloading and the consequent low voltage supplies.

Reply on behalf of respondents No.1 and 2 has been filed today in Court. A copy thereof has been handed over to the counsel for the petitioner. The relevant extract of the said reply reads thus:

“That at the very outset it is humbly submitted that the writ petition has rendered infructuous as the transformer of similar capacity has already been installed and the same has been energized in the close vicinity of the Transformer already installed. The newly installed Transformer is giving supply to the petitioner’s house and nearby area and there is no problem of low voltage at present. Hence the writ petition is liable to be disposed of at this ground only.

That it is humbly submitted that earlier Transformer qua which the present writ petition has been filed could not be energized as the same was in close vicinity of the residential house and could be a reason for some accident causing loss to human life hence, the new transformer has been installed which is away from human reach and the same has been made functional, thus, giving supply to the entire area. Hence, the writ petition is liable to be dismissed being infructuous.”

In view of the aforesaid standard adopted by the respondent that the 200 KVA Transformer has already been energized and that the grievance espoused by the petitioner stands redressed, there is no further cause of action will survives for adjudication in the present petition. The same is accordingly disposed of as having been rendered infructuous.

OCTOBER 11, 2022
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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