

IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH

241

CWP-16943-2021 (O&M).  
Date of Decision: 21.11.2023.

NIRBHAIL SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Samarth Sagar, Advocate, for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab,  
for respondents No.1, 3, 4 and 5.

Mr. Sehajbir Singh, Advocate, for respondent No.2/PSPCL.  
(Through Video Conference)

**VINOD S. BHARDWAJ, J. (ORAL)**

**CM-13667-CWP-2021**

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 for placing on record the reply by way of short affidavit on behalf of respondents No.2 and 4 along with accompanying Annexure R-2/1.

The application is allowed subject to all just exceptions. Affidavit on behalf of respondent No.7 is taken on record.

The Registry is directed to tag the same at appropriate place.

Main case

The present writ petition has been filed for seeking issuance of directions to the respondent No.2-distribution licensee to install an electric transformer of 100 K.V.A., already approved vide letter dated 05.08.2021 (Annexure P-3), in the village of the petitioner.

The petitioner is aggrieved by the inaction on the part of the respondent-PSPCL in not installing an electric transformer of approximately 100 KVA in the village of the petitioner leading to a great difficulty to the petitioner as well as to the other residents of the village as there is insufficient supply of electricity causing difficulty in operating the electrical and electronic appliances. Faced with the above, the matter was discussed and a representation dated 05.06.2021 was submitted to the respondent authorities for installation of new transformer of 100 K.V.A. so that the position of power supply and its voltage in the village could be improved.

On receipt of the above said representation, the distribution licensee agreed with the grievances espoused by the petitioner. The Senior Executive Engineer, Division Jandiala Guru, Amritsar sanctioned approval for installation of the 100 K.V.A. transformer vide letter dated 16.07.2021. Sanction for an amount of Rs.3,82,700/- for the expenditure was also granted by the Senior Executive Engineer, vide letter dated 05.08.2021. The process for installation of the transformer was accordingly initiated by the respondent-PSPCL.

Accordingly, on 17.08.2021 when the work of laying cable with regard to the installation of the new transformer was undergoing,

certain miscreants in the village started making trouble and gathered a crowd and forcibly stopped the work of installation of the transformer. A complaint in this regard was thereafter filed by respondent-distribution licensee with the respondent No.5-Station House Officer (SHO), Police Station, Khalchian and praying for police help to execute the works as approved. However, notwithstanding the above said representation by the State authorities, the police did not take any action at all and the work in question lies abandoned since then. The petitioner thus filed the present writ petition for seeking appropriate directions to the concerned authorities so that the approved work of installation of 100 K.V.A. transformer for ensuring smooth supply of electricity could be completed within the precincts of the village.

A reply by way of short affidavit of Er. Darshan Singh, Additional Superintending Engineer, Operation Division Jandiala Guru, PSPCL, District Amritsar, has been filed on behalf of the respondent-PSPCL wherein the factual aspects are not disputed. The relevant part of the aforesaid reply is extracted as under:-

*“4. That it is the stand of the answering respondent that the facts and circumstances mentioned in the writ petition are accurate. It is submitted that seeing the difficulties faced by the residents of village Chjajjalwaddi, Tehsil Baba Bkala, as stated in representation dated 05.06.2021 (P-1, Page - 11), the respondent-corporation decided to install a 100 KVA transformer. The approval of the installation of the said transformer was sanctioned vide letter dated 05.08.2021 (P-3, Page - 14) and an estimate of Rs.3,82,700/- was prepared.*

5. That the work in accordance with the sanction was started and the poles, wiring was done as is apparent in the photographs that have been appended with the writ petition (P-5, Page 16). It is submitted that only the installation of the transformer was pending, however, on 17.08.2021, a few Individuals gathered at the site and stopped the work and threatened the employees present at the site. Given the situation at the site the employees of the corporation were forced to abandon the installation of the transformer.

6. That the factum of the nuisance caused by certain individuals was intimated to the local Station House Officer of Police Station Khalchian vide complaint dated 17.08.2021 (P-4, Page 15). It was also requested that an FIR be registered against the individuals which are named in the complaint. It is pertinent to bring to the knowledge of this Hon'ble Court that no action on the said complaint was taken by the police department, for reasons best known to them.

7. That seeing the inaction on the part of the local police, the answering respondent also intimated the entire factual position to the Sub-Divisional Magistrate, Baba Bakala Sahib, vide letter dated 27.08.2021. A copy of the letter written by the respondent-corporation to the SDM, Baba Bakala dated 27.08.2021, is appended herewith as ANNEXURE R-2/1. A perusal of the letter would also reveal that a specific request was made to the SDM, to direct the police to provide sufficient manpower so that the work duly sanctioned could be completed. It was also brought to the notice of the SDM that as equipment, material of the corporation was lying bare at the site, the delay in completion of work would cause a financial loss to the corporation.

*8. That it is most respectfully submitted that despite complaint dated 27.08.2021 and letter dated 27.08.2021, no action has been taken by either the SDM or the local police. It is worth mentioning that the corporation was and is acting in the best interest of the villagers and is working to provide uninterrupted power supply to them and it is only because of this reason that the decision to install the 100 KVA transformer was taken. The stopping of the work is owing to local rivalries, the individuals responsible for halting the work are causing harm not only to the other residents but also causing financial loss to the respondent-corporation.*

*9. That it is thus, most respectfully submitted that the afore-captioned writ petition and the prayer qua grant of police protection to complete the sanctioned installation of the 100 KVA transformer is supported by the respondent-corporation.”*

Learned counsel appearing for the respondent-PSPCL contends that it was on account of State machinery not extending police protection that the work of installation of sanctioned transformer of 100 K.V.A. could not be completed and that in the event such protection is extended, the requisite work would be completed expeditiously.

A separate reply on behalf of respondents No.1 and 3 to 5 by way of affidavit of Harkrishan Singh, PPS, Deputy Superintendent of Police, Baba Bakala Sahib, District Amritsar Rural, has been filed wherein the respondent State has averred as under:-

*“6. That it is respectfully submitted that in view of the above discussion, it is evident that the proposed site where the respondent no. 2 was going to install electric transformer is within the dense populated area of the Village Chhajalwadi,*

*hence having apprehension of any untoward incident, a large number of inhabitants and the entire Gram Panchayat of Village Chhajalwadi is against this proposal. The Gram Panchayat and large number of inhabitants of the Village Chhajalwadi have passed a resolution dated 19.08.2021, whereby some other place in chowk outside the Village has been proposed for installation of electric transformer. This proposal is under consideration of the concerned officers of respondent no. 2 and SDM Baba Bakala Sahib. Therefore, after finalization of the site for installation of electric transformer, the necessary police assistance/security will be provided, if need arises. Therefore, the present petition is liable to be dismissed.”*

Learned State counsel contends that the issue with respect to the situs of the transformer was under active consideration of the respondent authorities and in the event a decision is taken by the respondent-PSPCL pertaining to the site for installation of electric transformer, the necessary police assistance/security would be provided, if such a need arises.

The parties have also reiterated the aforesaid stand at the time of advancing oral arguments as well.

Taking into consideration, the submissions noticed above, the undisputed facts which emerge from the present writ petition are that the request of the residents of the village for installation of 100 K.V.A. transformer had been approved by the competent authority and that the work for installation thereof was under process at the approved site when some miscreants assembled at the point of the installation of the transformer and raised objection to the installation thereof. The issue was thereafter put to the authorities to reconsider and finalize the situs. It is also averred by the

respondent State authorities that in the event the distribution licensee finalizes a place, they will extend all possible help, if such a need arises, to ensure that the work of installation of the transformer is executed unhindered.

Accordingly, the present petition is disposed of with the following directions:-

- (i) That the respondent-PSPCL authorities shall convey to the official respondents i.e. the Deputy Commissioner, Amritsar, District Amritsar, Punjab, about the situs where the installation of the 100 K.V.A. transformer is to be done;
- (ii) That in the event of the official respondent-Distribution Licensee conveying any need for police protection, the Deputy Commissioner, Amritsar, and the Superintendent of Police, Baba Bakala, shall make appropriate arrangements so that the infrastructure work pertaining to larger well being of the residents of the village and for ensuring better quality of electricity supply can be executed unhindered.

The petition is disposed of accordingly.

Any other pending, misc. application(s), if any shall also stand(s) disposed of accordingly.

**November 21, 2023.**  
**raj arora**

**(VINOD S. BHARDWAJ)**  
**JUDGE**

*Whether speaking/reasoned* : Yes/No  
*Whether reportable* : Yes/No