Serial No. 23

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court

Case No. CCP(D) No. 49/2024
In LPAOW No. 5/2011

Neelam Raj Baigra and ors. …..Appellant(s)/Petitioner(s)

Through: Mr. K. S. Johal, Sr. Advocate with
Mr. Karman Singh Johal, Advocate

vs

Vikas Anand Chief Engineer JKPTCL Jammu and ors. ….. Respondent(s)

Through: Mr. Ravinder Gupta, AAG

Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
28.04.2025

1. The petitioners (Neelam Raj Baigra and others) had approached this Court vide OWP No. 170/2008 and prayed for a mandamus commanding the respondents to change the alignment of Gladny Transmission Line at Tower No. 127 of 220 KV Glsadni-Udhampur Transmission Line, situated at Village Dalah, Udhampur from 4th No. Tower from Grid Station Udhampur. And, also the respondent authority be directed not to lay the transmission line over the houses of the inhabitants of Village Dalah, near Housing Colony, Udhampur on the Gladny-Udhampur Transmission Line Tower No. 127 situated at Village Dalah, Udhampur i.e. 4th No. Tower from Grid Station, Udhampur as depicted in the site plan appended with the petition.

2. The petition referred to above however, was dismissed on 01.02.2011.

3. And aggrieved by the said order, the petitioners filed an intra court appeal under Clause 12 of the Letters Patent. But since during the pendency of the matter, parties to the lis had reached a consensus, the appeal was accordingly disposed of on 21.10.2023:-

> **"5. Mr. Balvinder Kundal, Chief Engineer, JKPTCL, PDD, Jammu, is present in person and has submitted that they have conducted a survey for shifting/re-routing of sub judice section of line and, accordingly, after following due course of procedure, re-routing of line was planned and Letter of Award was awarded on 15.06.2021. The portion of 220 KV in the disputed area is still un-energized and shall be energized after re-aligning though new route and dismantling of disputed portion will be done after energization. It is also stated in the said communication that the shifting work is under progress and turnkey contractor is directed to complete the work at the earliest.**
>
> **6. The communication dated 21.07.2023, produced by Mr. Ravinder Gupta, learned AAG, is taken on record.**
>
> **07. In view of the statement of Chief Engineer and the communication dated 21.07.2023, the grievance of the appellant stands redressed and the LPA is, accordingly, disposed of."**

4. For, despite the statement made by Mr. Balvinder Kundal, Chief Engineer, JKPTCL, PDD, Jammu and the understanding that was arrived at between the parties, there was no tangible progress on the ground the petitioners were constrained to approach this Court vide this contempt petition (CCP(D) No. 49/2024).

5. Pursuant to the notice issued by this Court, statement of facts dated 30.12.2024 was filed on behalf of respondent Nos. 1 to 3. Thereafter, a fresh report has also been submitted on 20.02.2025. In essence, per the stand set out therein as the re-alignment section of the transmission line passes through forest and it took time to get the necessary

clearance from the Forest Department. Further, owing to some error in the nomenclature as requisite compensation part of the project, even the payments got delayed. And now that the payments have been credited to the Forest Department, the contractor was directed to resume work. Still further, the re-aligned portion being a hilly terrain, all the works are being completed manually including tower foundation which too would take some time. And, once the re-alignment gets completed, dismantling of sub-judice portion of the transmission line would also be done. At any rate, since the said transmission line is uncharged, there is no occasion of there being any damage or even apprehension of any loss being suffered by the inhabitants of surrounding houses.

6. After we heard learned counsel for the parties at length and perused the record, it is not in dispute that the respondent authorities being sensitive to the concerns/grievances of the petitioners, had agreed to an arrangement, which actually formed basis of the order passed by the Division Bench on 21.10.2023. It is also not in dispute either that post order dated 21.10.2023, the respondent authorities have substantially executed the project/works. And it's a work in progress. Sh. Rajesh Kumar, XEN, TLMD-VIII, present in Court, submits that given peculiarity of the project and the challenges the authorities are faced with, every possible endeavour is being made to complete all the pending works conclusively. Further, the pace and time within which the work has been carried out so far, there is hardly any room to doubt the intent of the authorities.

7. That being so, Mr. K. S. Johal, learned Senior Counsel for the petitioners as always, fairly submits that the petition be disposed of in terms of the compliance report(s) that have been submitted by the respondent authorities from time to time, as also the statement made by Sh. Rajesh Kumar, XEN, TLMD-VIII today before the Court.

8. However, he submits that in the event any fresh cause of action arises in future or despite assurance given to this Court the works are not concluded, the petitioners be granted liberty to move an appropriate application in the present petition itself for its restoration and passing appropriate orders.

9. In the wake of position indicated above and in terms of statements made by learned counsel for the parties, we close the proceedings in the present contempt petition with liberty to the petitioners as indicated above.

10. **Disposed of**.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
28.04.2025
Neha-II

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No