



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Date of decision: 18.11.2025

RSA-5772-2016(O&M)

Subhash Chander

...Appellant(s)

Vs.

Punjab State Power Corporation Ltd. & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. M.S. Rai, Advocate
for the appellant.

Ms. Monica Chhibber Sharma, Senior Advocate with
Mr. Adeep Sharma, Advocate
for the respondents-PSPCL.

NIDHI GUPTA, J.

The plaintiff is in second appeal against the concurrent judgments and decrees of the learned Courts below whereby suit filed by the appellant for permanent injunction, has been dismissed by both the Courts below.

2. Brief facts of the case are that the plaintiff/appellant had instituted the instant suit for permanent injunction restraining the defendants from energizing the transformer so installed opposite to the house of the plaintiff as depicted in the attached site plan. The facts as pleaded in the plaint are that the plaintiff had purchased a vacant plot measuring 11-and-a-half marla from one Arti Chugh vide registered Sale



Deed dated 18.11.1988 and had obtained possession at the spot. After coming into possession, the plaintiff had constructed a house on the said vacant plot. About 2-3 months prior to filing of the Suit, employees of the defendants No.2 to 4 had laid down an electric transformer in front of the house of the plaintiff. On raising objections, the plaintiff was instructed to make a deposit of Rs.500/- along with application for shifting the said transformer. The plaintiff had duly filed application and deposited Rs.500/- on 14.10.2013 vide receipt No.52. Subsequently, dealing staff of the defendants under the supervision of defendant No.4 had inspected the spot and recommended shifting of transformer across the road at point shown in Red Colour in the attached site plan. Accordingly, the plaintiff had issued a Demand Notice vide Memo No.561 dated 25.10.2013, in pursuance to which, the plaintiff made deposit of shifting charges of Rs.49,679/- vide receipt No.184 dated 19.11.2013. Now defendants were threatening that they are not shifting the transformer at the proposed site rather would energise the same at the old spot. Despite repeated requests not to lay the electricity transformer in front of the house of the plaintiff, Defendants had paid no heed not to lay the electricity transformer in front of his house. Hence, present suit was filed on 08.01.2014.

3. Upon appraisal of pleadings and oral & documentary evidence adduced by the parties, the learned Civil Judge (Senior Division), Fazilka had dismissed the suit of the plaintiff with costs vide judgment and decree dated



19.03.2015. The Civil Appeal filed by the plaintiff was dismissed by the learned Additional District Judge, Fazilka, vide judgment and decree dated 28.03.2016. Hence, present Second Appeal by the plaintiff.

4. It is inter alia submitted by learned counsel for the appellant/plaintiff that the respondents had refused to transfer the transformer placed in front of the house of the appellant on the ground that Objections had been raised by the persons in the locality where the transformer was proposed to be shifted. It is submitted that Sukhdev Singh J.E. appeared as DW1 on behalf of the respondent/defendant and has failed to produce even a single witness from the locality who has raised protest or objection for shifting of the original transformer. The case of the defendant is that one Amit made a complaint on dated 29.06.2013 online. In cross-examination, he has admitted that he does not know Amit. He has also admitted that the original complaint is not with the record. This fact shows that no complaint has been filed by any person and no objection has been raised by anyone. But both the courts below have not applied their judicial mind and dismissed the suit as well as appeal of the appellant/plaintiff.

5. It is submitted that therefore, there is no evidence on behalf of the respondent that inhabitants of the locality have raised objection. Not one person has been produced by the respondents to show that any objection was raised by any person in the locality. As such, the respondents have failed to abide by their undertaking of shifting the transformer despite the fact that



the plaintiff had deposited the requisite amount as demanded by the respondents. Thus, great harassment has been caused to the appellant and is continuing to be caused to him. Learned counsel accordingly prays that the impugned judgments and decrees be set aside.

6. Per contra, learned Senior Counsel appearing on behalf of the respondent-Corporation opposes the submissions made on behalf of the appellant and submits that the appellant in his evidence has himself admitted that the said transformer is causing no harassment to the appellant. It is submitted that in actual fact, the plaintiff has no cause of action as no injunction can be granted in favour of any person thereby directing any Government Department to do any work in a specific way. It is further submitted that the said transformer has been installed in compliance with the norms and other relevant Rules and Regulations of the respondents-Corporation. It is submitted that real facts of the case are that online complaint was received as to fluctuation in power. In order to rectify the severe problem of fluctuation in power in Basti Hazoor Singh Fazilka, the transformer in question was installed at the western side/corner of the house of the plaintiff as there is no other suitable place to install the same. Width of the said transformer is about 2/3 feet & the same was running about 3 months ago at the spot. The plaintiff requested the defendants no.2 to 4 to shift the same from its present place with the assurance that he will provide the suitable place to install the same and later on he provided the proposed



place as has been shown in the site plan of the plaintiff, to install the transformer in question and accordingly he paid the processing fee and amount of estimate with the defendants. But due to vehement objections of other residents to protect the locality of that area, the transformer in question could not be shifted at the proposed place. As such, a registered letter dated 9.1.2014 was sent to the plaintiff to visit in the office of defendant no.3 and to receive his already paid amount. It is accordingly, prayed that the instant suit is liable to be dismissed...

7. Learned Senior Counsel for the respondents has also made a statement before this Court, upon receiving instructions, that the defendant-Corporation is ready and willing to refund the amount(s) deposited by the plaintiff.

8. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

9. Plaintiff in his evidence as PW2 has himself admitted in his cross-examination that the transformer is running at its own place which is shown in Green Colour in the site plan (Ex.P1) (Annexure A1 herein). The plaintiff as PW2 has further admitted that the transformer is in existence on the eastern corner outside his house and that no doors or windows open near the said transformer. The plaintiff has further admitted that main gate of the house of the plaintiff is towards the western side of the transformer; and that the



said transformer is not creating any hindrance in his outgress and ingress. The plaintiff has further admitted that the transformer in question is already running and has covered area of 8 feet. Thus, plaintiff has himself admitted that no obstruction is caused to him from the transformer.

10. Perusal of the record of the case further shows that the plaintiff has admitted in his written statement that notice of refund has been received by him. This fact has been admitted by the plaintiff even in his evidence as PW2. However, the said relief was denied to the plaintiff by the learned Courts below as no such prayer for refund was made by the plaintiff in his Suit. Relevant findings of the learned trial Court in Para 10 of the judgment dated 19.03.2015, read as follows:-

“10. After hearing the rival contentions of the Ld. Counsel for both the parties, after going through the documents available on file and after appreciating the evidence led by both the parties, this court is of the view that it is admitted between the parties that the plaintiff requested defendant no.2 to 4 for shifting the transformer from its original place to some other place. It has also been admitted between the parties that on the instructions of the defendants the plaintiff deposited the estimated shifting charges of Rs.500/- against receipt no. 52 dated 14.10.2013 Ex.P2 and on the further demand notice Ex.P3. He further deposited Rs.49,679/- vide receipt No. 184 dated 19.11.2013 Ex.P4. It is also admitted between the parties that the poles have already been installed by the defendants at the proposed site. The plaintiff alleged that when the processing fees as directed the by the defendants has already been



deposited with the defendants against proper receipts then the defendants cannot wriggle out from their own commitment, merely on the basis of objections raised by the locality of that area. He further alleged that the witness of the defendants DW-1 Sukhdev Singh JE failed to explain the names of the persons of the locality who raised protest. He further admitted that no body from the locality raised protest in writing to them. Whereas PW-2 Subhash Chander (Plaintiff) admitted in his cross examination that the transformer in question is already running at its old place which has been shown as green color in site plan Ex.P1. The transformer has the covered a area of 8 feet upon the ground. He further admitted that the said transformer is in existence at the Eastern Corner outside his house where no door or window has been open near the transformer. He further admitted that the main gate of his house is towards western side. Meaning thereby the said transformer is not creating any hindrance in his outgress and ingress. He has also admitted that in his written statement the notice of refund has been mentioned. It has also not been denied by the defendants that they are ready to refund the amount deposited by him. From the perusal of the original letter dated 14.10.2013 sent by plaintiff to the defendant no.3 Ex.D2 it has not been mentioned in the said letter that the defendants are going to energizing the transformer in question rather he has shown his inconvenience, which has not been mentioned in his pleadings. So the plaintiff has himself improved his own stand by filing the present suit, as such the contentions of the plaintiff are not seems to be believable or reliable.



11. Apart from that on the basis of arguments addressed by the counsel for the plaintiff that the court can grant relief more than its prayer. But when the party has not raised the plea for the shifting of transformer then in the injunction matter the relief cannot be granted beyond its claim. The law referred by the plaintiff in this regard is not seems to be suitable for the facts and circumstances of the present case. Moreover it is the right of the general public to get the proper electricity when they have paid for the same. As such it is the duty of the department to provide electricity without creating any hindrance in the way of general public at large. When it has been admitted by the plaintiff that the transformer in question is already running and it has covered area of 8 feet upon the ground then it is the sufficient place for providing the electricity as per the norms of Punjab State Power Corporation Limited. However the plaintiff claimed the injunction by restraining the defendants from energizing, whereas the defendants wants to rectify the problem of fluctuation in the said area for the betterment of general public. Hence the defendants cannot be stopped for the said purpose. Hence the plaintiffs is not seems to be entitled for the claimed and the issues are decided against the plaintiff and in favour of the defendants.”

11. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings. However, keeping in view the entire facts of the case, and the above noted statement of the Id. Senior Counsel for the defendants, it is directed that in case the appellant

approaches the defendants for refund of the amounts deposited by him, the same shall be dealt with positively and expeditiously.

12. The present Regular Second Appeal accordingly, stands **dismissed**, as above.

13. Pending application(s) if any also stand(s) disposed of.

18.11.2025
Sunena

(Nidhi Gupta)
Judge

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