

(1992) 01 RAJ CK 0031

In the Rajasthan High Court

Case No : Civil Writ Petition No. 308 of 1992

Bheru Singh and Others

APPELLANT

Vs

Rajasthan State Electricity Board and Others

RESPONDENT

Date of Decision : 22-01-1992

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1992) 1 WLN 68

Hon'ble Judges : B.R. Arora, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.R. Arora, J.—The petitioners, who are the agriculturists and are residents of village Asawari, tehsil and district Nagaur, by this writ petition, have prayed that 33-KV Power Station should be installed at village Asawari, and the respondents may be directed | to connect the petitioners' electric connections on the tube-wells with the same. It has, also, been prayed that the respondents may be restrained from issuing any additional connection to new consumers and in the alternative, the petitioners' prayed is that the respondents may be directed to connect the petitioners' tube-wells with the 33-KV Power 1 Station of village Asop.

2. The petitioners' case is that in order to irrigate their fields, they got their wells sunk in their agricultural land and obtained the electric connection from the respondent Rajasthan State Electricity Board and fitted the submersible pumps of 20 to 30 H.P. They are getting the electric supply from the transformer of 33-KV (CSS) situated at village Sankhwas, which is at a distance of 37 kilometres. The petitioners' village is at a tail- end of this electric supply line and, therefore, they are not getting the proper electricity supply and cannot operate the electric motors/pumps and/therefore, in order to get the proper electric supply, either the 33-KV transformer may be installed at their village or in the alternative, their electric supply may be connected with the 33-KV Station of village Asop, which is

only at a distance of 7 kilometres from their village.

3. I have considered the submissions made by the learned Counsel for the petitioners.

4. The supply and distribution of electric energy to the various consumers is within the domain and jurisdiction of the Rajasthan State Electricity Board and its authorities. They are the persons authorised under the Act to carry-out the distribution and supply and this Court, in its supervisory jurisdiction under Article 226 of the Constitution of India, is not expected to direct the authorities concerned act in a particular way and to instal a 33-KV Sub-Station at a particular place and/or to provide electric supply to the petitioners from a particular source. How and in what manner and from which source the distribution of the electricity is to be made and where the transformer is to be installed, are the matters to be decided by the R.S.E.B. or its authorities, in accordance with the Rules and norms framed by them. These are the persons, who possess the technical knowledge in the matter, while this Court does not possess the technical know-how of distribution and production of the electric energy and, therefore, no direction can be issued by the Court for the installation of 33-KV Sub-Station at village Asawari or to supply the electricity to the petitioner from the transformer located at Asop because the question: whether the same will be feasible or not, is to be decided by the functionaries of the Rajasthan State Electricity Board and not by this Court. The functionaries of the R.S.E.B. are qualified persons in the subject and possess the specialists' knowledge regarding the maintenance and supply of the electric energy and they have to keep in mind the interests of all the consumers and not the interests of a particular village. They have to keep the balance between the generation/production, the availability of the electric energy and the distribution and supply of the same. It would, therefore, be in the interests of all the concerned that such type of matters should be decided by the functionaries of the Rajasthan State Electricity Board and the better course would be that the petitioners should approach the respondents for the redressal of their grievances.

5. The petitioners have, also, placed on record certain documents, from which it appears that the grievances, raised by the petitioners, are being considered by the respondents. The Superintending Engineer of the area, by his letter dated January, 1, 1992 (Annexure. 1 on record) wrote to the Superintending Engineer (C.C.), R.S.E.B., Jodhpur, for taking appropriate action in the matter relating to the supply of the electric energy to the wells of the petitioners. Even the representation was made by the petitioners. Even the representation was made by the petitioners before Hon'ble the Energy Minister, State of Rajasthan, and the Hon'ble Minister, on the application of the petitioners, gave direction to the concerned authorities on January 12, 1992, to take appropriate action in the matter. This letter is, also, on record as Annexure 2. In this view of the matter, it cannot be said that the respondents are not considering the grievances of the petitioners. When the respondents are considering the grievances of the

petitioners, then the better course would be that the petitioners should approach the respondents and get the matter decided, instead of approaching this Court .

6. Before parting with the case, I would like to mention that as the installation of the electricity line, transformers and distribution and supply of the electricity is the field left exclusively to the authorities of the Rajasthan State Electricity Board under the Electric Act and, therefore, this Court is not expected to embark upon that field. In such matters, the Court is expected to observe self-constrain and should not over-step the well recognised bounds of its jurisdiction and should not embark upon the field which is left exclusively for the authorities concerned. It is only in the cases where there is a discrimination in the distribution of electric supply or there is arbitrary exercise of powers by the authorities concerned that this Court can interfere in such matter, but when no such conditions exist, the Court is not expected to interfere in the functioning of the Rajasthan State Electricity Board or its functionaries.

7. In this view of the matter, I do not find any merit in the writ petition and the same is hereby dismissed.