
(2011) 01 DEL CK 0197
In the Delhi High Court
Case No : Writ Petition (C) 7666 of 2009

Raj Pal Singh

APPELLANT

Vs

The Executive Engineer, Bypl and Another

RESPONDENT

Date of Decision : 28-01-2011

Acts Referred:

Citation : (2011) 01 DEL CK 0197

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : R.D. Chauhan, for the Appellant; K. Datta and Diya Kapur, for the Respondent

Judgement

Rajiv Sahai Endlaw, J.—The Petitioner claims to be a resident of house situated on Khasra No. 165, Chankya Marg, Chhajupur Road, Shahdara, Delhi. This writ petition has been filed seeking mandamus to the Respondent No. 1 BSES Yamuna Power Ltd. and the Respondent No. 2 MCD to remove and dismantle the transformer installed abutting the premises of the Petitioner. It is the case of the Petitioner that the transformer poses a danger not only to the Petitioner and his family members but also to the others in the congested locality. It is further stated that the t-irons of the transformer are embedded in the wall of the premises of the Petitioner.

2. Notice of the petition was issued.

3. The counsel for the Respondent No. 1 BYPL has contended that the said transformer has been in existence at the same place for the last more than 20 years i.e. since the time prior to the unbundling of the erstwhile Delhi Vidyut Board which was part of the Respondent No. 2 MCD.

4. The counsel for the Respondent No. 2 MCD states that no permission has been obtained by the Respondent No. 1 BYPL for installation of the said transformer.

5. Since the only reason why the Petitioner seeks removal of the transformer is

owing to the hazard posed by it, attention of the counsel for the Petitioner is invited to the judgment dated 19th January, 2011 in titled Rajesh Mehra v. B.S.E.S. Yamuna Power Ltd. W.P.(C) No. 5885/2010 where on examination of the provisions of the Electricity Act, 2003 and Indian Electricity Rules, 1956, it was held that the alternative efficacious remedy in such a situation is provided u/s 162 read with Section 185(2)(c) of the Electricity Act, 2003 read with Rules 29 & 52 of the Indian Electricity Rules, 1956, before the Electrical Inspector of the Govt. of NCT of Delhi. Appeal is also provided for, against the order of the Electrical Inspector to the Govt. of NCT of Delhi. It is not felt necessary to reproduce the provisions in this judgment.

6. Even otherwise the Electrical Inspector is better equipped to determine as to whether the aforesaid electrical equipment poses any danger / hazard or not. If the Electrical Inspector finds that the same poses a danger / hazard, the same would necessarily have to be removed or steps be taken to bring it in conformity with the safety standards as may be suggested. Else, if the Electrical Inspector finds that the installation is not hazardous, the Petitioner cannot seek removal thereof at least on the grounds as claimed in the present petition.

7. The petition is therefore disposed of with the reference of the grievance of the Petitioner to the Electrical Inspector of the Govt. of NCT of Delhi. The parties to appear before the Electrical Inspector at 1500 hours on 24th February, 2011 and on such further dates as may be fixed. The parties shall have liberty to file besides the documents filed before this Court, other documents / pleadings also before the Electrical Inspector. The Electrical Inspector to conduct the enquiry and submit the report on or before 30th July, 2011. Needless to state that the Petitioner shall have his remedies in accordance with law if dissatisfied with the orders / report of the Electrical Inspector.

No order as to costs.

Dasti under signature of the Court Master.