

(2010) 03 DEL CK 0421
In the Delhi High Court
Case No : Writ Petition (C) 1869 of 2010

Yashvir Singh

APPELLANT

Vs

BSES Yamuna Power Ltd.

RESPONDENT

Date of Decision : 18-03-2010

Acts Referred:

Citation : (2010) 03 DEL CK 0421

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : B.P. Sharma, for the Appellant; Manish Srivastava, for the Respondent

Judgement

Sanjiv Khanna, J.—The petitioner has prayed for shifting of the transformer installed on public land outside his residence. In the writ petition, it is not pointed out and stated that since when has the transformer been in existence at the present location. Learned Counsel for the petitioner, during the course of hearing, admits that the transformer was in existence even prior to purchase of the property by the petitioner in 2003.

2. A similar issue had come up before this Court in W.P. (C) No. 11437/2009 titled Kishore Kumar Kaul v. BSES Rajdhani Power Limited, which was decided on 15th February, 2010. The prayer for shifting of transformer was rejected, inter alia, holding that if the transformer has been in existence for last several years and no untoward incident or problem has been reported, the prayer for shifting of the transformer cannot be allowed unless there is violation of any statutory provision. It was also noticed that in cases of unauthorized colonies, which are slated for regularization or which have been regularized, there is a problem about location of the transformers and shifting or removal will result in protest and objections from others. At the same time, it was directed that the respondent-discoms are bound to comply with the safety norms prescribed under relevant rules, regulations and enactments to ensure that no harm or damage is caused to the property of any third person.

3. The aforesaid observations are equally applicable to the facts of the present case. In fact, the petitioner in the writ petition has not pointed out alleged violations of the safety norms by the respondents or that the transformer cannot be installed at the present location under any relevant rule, regulation or enactment.

The writ petition is accordingly disposed of.