



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA No.783 of 2025 (O&M)

Date of Decision: 07.04.2025

**The Executive Engineer, Haryana Vidyut Prasaran Nigam Limited
.....Appellant**

Versus

Suresh Chand and others Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present : Mr. Chetan Mittal, Senior Advocate, with
Mr. Udit Garg, Advocate, for the appellant.

Mr. Ashok Kaushik, Advocate, for respondents No.1 and 2.

Mr. Shivendra Swaroop, DAG, Haryana.

ARUN PALLI, J. (Oral):

This is an intra Court appeal, under clause-X of the Letters Patent, against the order dated 13.02.2025, passed by the learned Single Judge, whereby the appellant (respondents No.3 in the writ petition), has been restrained from erecting towers for installation of transmission lines upon the land of the petitioners.

Learned Senior counsel for the appellant contends that the matter in issue relates to an Infrastructure Development Project and is essential for supply of electricity. He submits that the work as regards erecting 220 kV D/C line on M/c Tower from 400 kV S/Stn Prithla to 220kV S/Stn, Sector-78, Faridabad (approximately 32.5 Kms) is being executed under the scheme notified in Haryana Government Gazette, dated 06.06.2017. With an objective to boost the Agricultural and Industrial Sector in the State of Haryana. Besides appreciable relief to domestic consumers. He submits that before executing the project, the appellant, on 06.06.2017, had published a notification in the leading newspaper, whereby objections were invited from general public. But, no objection was received from any quarter, including respondents No.1 and 2. And, accordingly, the work was allotted to M/s Skipper Limited on 03.08.2021, involving a substantial cost



of Rs.56.40 crores. It is submitted that per the project 169 towers have to be installed. And to date, foundation work of **168** towers has already been completed, and more than **130** towers have been erected. Suffice it to say, almost 85-90% of the project work is complete. But owing to the impugned order dated 13.02.2025, whereby installation of tower No.99, falling on the land of respondents No.1 and 2, has been stayed, the entire project has come to a halt. For, the transmission lines cannot be laid even if a single tower on the route line is not erected. He submits that the appellant has already paid a substantial amount of compensation to the landowners, towards the foundation work (83% compensation paid), erection work (68% compensation paid) and land compensation (17% compensation paid). Accordingly, it is submitted that the total compensation the appellant has disbursed so far, is Rs.2,46,86,628/-. He submits, all that the respondents (petitioners) have prayed for, in the petition is: a Mandamus commanding the appellant-respondents not to install any high tension line over the subject land, especially when they had obtained No Objection Certificate (NOC) dated 16.07.2020, for setting up a Retail Outlet dealership of BPCL. And, also the appellant be directed to decide the representations dated 28.03.2022 (P-9) and 09.02.2023 (P-10), it has been served with. And, significantly, respondents No.1 and 2 have neither challenged the public notice dated 06.06.2017, nor the Haryana Government Gazette Notification dated 27.06.2017.

It is submitted that per the stand set out in the written statement filed by the appellant, the petition filed by private respondents No.1 and 2, merits dismissal. But the matter being time sensitive, and since with each days' delay, rights/interest of not only the appellant but the beneficiaries of the project are severely impaired, the appellant, even at this stage, is ready/willing to examine the concerns/grievances/claim of the private respondents and decide their representations (*ibid*).

That being so, having argued the matter at some length, learned counsel for the parties have reached a consensus:

- a) the competent authority shall examine the claim/concerns/objections of respondents No.1 and 2, in the right earnest;



- b) they shall be afforded due and adequate opportunity of hearing, before any formal decision is reached. And, in this regard, a communication shall be issued to them, well in advance;
- c) they shall be at liberty to furnish any additional material to supplement their claim, which, if submitted within two weeks from today, shall be taken into consideration, while passing the final order;
- d) And till a formal decision, as indicated above, is taken, the impugned order dated 13.02.2025, passed by the learned Single Judge, would continue to operate. And, the same be modified, accordingly.

In the wake of the position sketched out above, and the consensus that has been arrived at between the learned counsel for the parties, the impugned order is modified, and the appeal is, accordingly, disposed of.

This Court is sanguine that the competent authority shall examine the claim of the respondents-petitioners, in the right earnest, and decide the representations (*ibid*), by passing a comprehensive order, assigning reasons in support thereof.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the claim/grievance of the respondents-petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

07.04.2025

Manoj Bhutani/AK Sharma

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No