

18.12.2020
D/L- 02
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23685 of 2019

**Rani Service Station
Vs.
West Bengal State Electricity Distribution
Company Ltd. & Ors.**

Ms. Lipika Chatterjee
....for the petitioner.

Mr. R. M. Chattopadhyay
...for WBSEDCL.

The petitioner says that the petitioner is operating a petrol pump under the name and style “Rani Service Station” at Kusumgram, P. S. – Monteswar, District – Burdwan, PIN – 713422. It is the case of the petitioner that a pole-mounted transformer has been installed in front of the petrol pump. The petitioner says to have paid the cost and expenses for installation of the transformer prior to the same having been installed. The petitioner wants the said transformer to be shifted inside the petitioner’s premises at a particular place. The petitioner has made a representation on 26th September, 2019 before the concerned Assistant Engineer, being the respondent no.4 in the writ petition. The petitioner says that the representation has not been addressed to by the said officer of the licensee.

On behalf of West Bengal State Electricity Distribution company Limited (in short WBSEDCL), it is submitted that pursuant to the cost paid by the petitioner, the transformer was installed at its present place without any objection from the side of the petitioner. The petitioner has also been given a new connection which is aided by the said transformer. It is further submitted by the WBSEDCL that technical feasibility has to be considered for the purpose of shifting the transformer as asked for by the petitioner

Considering the submissions made on behalf of the parties and the materials on record, I direct the respondent no.4 to give a hearing to the petitioner and decide on the issue whether the transformer from its present location can be shifted to the place inside the petitioner's premises as may be indicated by the petitioner. The respondent no.4 shall also decide on the cost of shifting the transformer, if the same is technically feasible and the amount the petitioner may be required to pay for the shifting. The respondent no.4 shall complete the exercise of hearing and pass a reasoned order within 10th January, 2021. The mode of hearing will be decided by the respondent no.4 but by complying with the principles of natural justice. The reasoned order passed by the respondent no.4 shall be communicated to the petitioner immediately

on being passed but not later than 7 days from the date of passing the same.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)