

07
28.04.2022
TN

WPA No.5541 of 2022

Goutam Naskar
Vs.
The State of West Bengal and others

Mr. Prithwish Kr. Basu,
Ms. Susmita Chatterjee
.... for the petitioner

Mr. Rajarshi Basu,
Mr. Tapas Ballav Mandal
.... for the State

Mr. Om Narayan Rai,
Ms. Sumouli Sarkar
.... for the CESC Limited

Learned counsel for the petitioner submits that the petitioner is restricting his prayer of shifting of the electricity transformer installed immediately next to the property of the petitioner, which allegedly has blocked the ingress and egress of the petitioner's shop, hampering his livelihood.

It is submitted that, although the transformer was installed some time back, in the meantime, there have been changes in the said transformer and the same has inclined somewhat and "grown in size".

Learned counsel relies on photographs annexed with the writ petition, in support of his proposition.

It is submitted further that since another transformer is coming up in the neighbourhood, the line can be shifted to the said transformer.

Learned counsel for the Distribution Licensee disputes the contention of the petitioner, that a new transformer is coming up in the area.

It is submitted that, as per the extant Law and Regulations, in the event a person asks for shifting of a high-tension line, the applicant has to pay the charges for such shifting, subject to the availability of a suitable alternative route.

Since the petitioner submits that the petitioner is a small trader and is not in a position to immediately pay up such money, the prayer made by the writ petitioner cannot, unfortunately, be allowed.

Since the CESC Limited also controverts the existence or new construction of an alternative transformer in the area, there is no scope of shifting the line without incurring expenses, which the petitioner has to bear under the law.

As such, WPA No.5541 of 2022 is disposed of without any interference, granting liberty to the petitioner to renew the petitioner's request for shifting the line-in-question if the petitioner is in a position to

pay the shifting charges in future. Upon payment of due shifting charges by the petitioner, if the petitioner so pays, and compliance of all other formalities, the CESC Limited will be at liberty to shift the distribution line somewhere else, subject to availability of a suitable alternative site.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)