

AD. 13.
May 10, 2022.
MNS.

WPA No. 6153 of 2022

New Sathi Plastic
Vs.
West Bengal State Electricity
Distribution Company Limited and others

Ms. Sabana Hasin

...for the petitioner.

Mr. Soumyajit Chakraborty

...for the WBSEDCL.

The grievance of the petitioner is that, although initially a transformer was installed, partially within the factory premises of the petitioner, for giving electricity connection to the petitioner's factory, the West Bengal State Electricity Distribution Company Limited (in short WBSEDCL) is now seeking to give electricity connections to other consumers from the same transformer, thereby putting the petitioner to the additional jeopardy of apprehended malfunctioning of the transformer due to such heavy load.

Learned counsel for the petitioner submits that the circumstances have changed since the installation of the transformer, insofar as the WBSEDCL had previously given the impression that the said transformer would be used exclusively for giving electricity connection to the petitioner.

Learned counsel appearing for the WBSEDCL submits that it is huge task to shift the entire transformer, which involves fabulous expenses.

Moreover, under the law, it is submitted that the person who wants shifting has to pay the shifting charges.

It is contended that the transformer was installed in its present position at the request and with the consent of the petitioner and, as such, the petitioner cannot resile from such position merely on the ground that additional new connections are to be given to others.

Upon considering the submissions of the parties, it is evident that, undisputedly, the transformer was installed, partially inside the factory premises of the petitioner, not only with the consent of the petitioner but for the purpose of giving electricity connection to the petitioner.

However, the proposition advanced by learned counsel appearing for the petitioner, that the transformer, for such reason, has to be used exclusively for giving electricity connection to the petitioner, is not tenable in law and in equity. Since transformers are used in the normal course of trade by WBSEDCL to give electricity connection to several consumers, it was implicit in the agreement of the petitioner that the transformer would be installed where it is and might be installed for whatsoever

legitimate purposes for which the WBSEDCL is entitled to use the same.

Moreover, in the event the petitioner seeks shifting of the transformer now, under the law, the petitioner has to pay the shifting charges.

The yardstick of new connections being sought to be given to other consumers than the petitioner is not germane for the purpose of holding that the circumstances of installation of the transformer and giving of consent by the petitioner have changed in the meantime.

Hence, there is no scope of interference in the present writ petition.

Accordingly, WPA 6153 of 2022 is disposed of with liberty to the petitioner to apply to the WBSEDCL for shifting of the transformer to an alternative location than the petitioner's premises. If so applied for, the WBSEDCL shall consider the same in accordance with law and give an estimate to the petitioner regarding the shifting charges for the purpose of payment, subject to availability of an alternative site for such shifting.

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.)