

AD. 35.
January 3, 2022.
MNS.

(Through Video Conference)

WPA No. 9262 of 2021

Bidesh Naskar and another
Vs.
The Calcutta Electricity Supply
Corporation Ltd. and others

Mr. Amit Baran Dash

...for the petitioners.

Mr. Subir Sanyal,
Mr. Somnath Bose

...for the CESC Limited.

The writ petition has been preferred on the allegation that the Calcutta Electricity Supply Corporation Limited (in short 'CESC Limited') has demanded exorbitant shifting charges for the shifting of a transformer at the behest of the petitioners.

It is submitted by learned counsel appearing for the petitioners that, although the petitioners agreed to pay the shifting charges, the CESC Limited is seeking to encroach upon the petitioners' land and have raised exorbitant bill for such shifting.

Learned counsel appearing for the CESC Limited places reliance on the breakup of the shifting charges, as given at page 9 of the affidavit-in-opposition filed by the CESC Limited, and submits that the charges as

raised are necessary to be paid for the purpose of shifting such transformer.

That apart, learned counsel for the CESC Limited argues that the petitioners themselves agreed to the shifting of the transformer at an alternative location of the petitioners and it cannot be agitated at this belated stage by the petitioners that an encroachment will occur consequently on the petitioners' land.

That apart, it is submitted by learned counsel for the CESC Limited that the petitioners purchased the property about thirty years after the transformer was installed, knowing fully about the location of the transformer.

Taking into consideration the above submissions, it is evident that the petitioners themselves agreed to pay the shifting charges, which shifting would be to suit the convenience of the petitioners. Although the petitioners do not have a vested right to such shifting even otherwise, in view of having purchased the property long after the installation of the transformer, the CESC Limited was well within its jurisdiction to agree to the request of the petitioners for shifting, subject to payment of due charges by the petitioners.

Upon having consented to pay such charges, it does not lie in the mouth of the petitioners, at this belated juncture, to challenge the very act of shifting and/or the said charges. However, the petitioners could

have challenged the quantum of the shifting charges, if the petitioners so felt, on appropriate grounds before the appropriate authority. However, in the present case, the petitioners admit that they are laymen in the field of electricity and, as such, no credence can be placed on the objection raised by the petitioners at this belated stage, apparently to avoid making payment for the shifting of the transformer to which they agreed earlier.

In such view of the matter, there is no scope of interference in the present writ petition.

Accordingly, WPA No. 9262 of 2021 is dismissed without any 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.)