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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 8472 of 2019

(Via video conference)

Sambhunath Mondal

-vs.-

**The West Bengal State Electricity
Distribution Company Limited & Ors.**

Mr. Mukteswar Maity
...for the petitioner

Mr. Sumit Ray
...for the Distribution Company

Learned counsel for the petitioner submits that the amount mentioned in the quotation raised for shifting of electric pole (Annexure P-8 at page 40 of the writ petition) was arrived at without any prior enquiry and/or inspection on the part of the Distribution Company. Learned counsel submits, by placing reliance on Order No. 4 dated March 29, 2019 passed by the District Magistrate, North 24-Parganas, that the District Magistrate categorically directed the high tension electric pole to be shifted as per the request of the petitioner. Although the present writ petitioner admitted that the writ petitioner would pay the quotation amount for

such removal, it is argued that the sketch map annexed to the affidavit-in-opposition of the Distribution Company, which is the only disclosed premise for arriving at the quantum in the quotation, was drawn on the basis of an enquiry held long back.

Learned counsel appearing for the Distribution Company contends that the detailed break-up of the quantum has been disclosed in the affidavit-in-opposition itself.

Upon hearing learned counsel for both parties, the court arrives at the following decision:

There is a limit up to which the power of judicial review under Article 226 of the Constitution of India can be exercised by the High Courts.

The Distribution Company, being the statutory authority which is the technical expert in the field, has sent the impugned quotation for shifting of electric pole as per the petitioner's request. It is evident from the break-up given in clause (f) of paragraph 3 of the affidavit-in-opposition to the writ petition that there was ample transparency in the process by which the quotation amount was arrived at.

The argument of the petitioner, that the enquiry for drawing up the sketch map dated September 05, 2018 was held much prior to the order of shifting dated March 29, 2019, does not enure to the benefit of the petitioner at all. The petitioner has not produced any material to show that there has been a change of circumstance between September 5, 2018 and the present date on any relevant yardstick. That apart, it is well-known that the cost components, as indicated in clause (f) of paragraph 3 of the affidavit-in-opposition, have been consistently on the increase. It is obvious that the material costs and labour costs would have increased, and not gone down, since after September 05, 2018. As such, the reliance placed by the Distribution Company on the quotation dated April 04, 2019, which was arrived at quite some time back, cannot go, by any stretch of imagination, to the detriment of the petitioner's interest insofar as the quantum mentioned in the quotation is concerned.

In such view of the matter, the decision-making process of the Distribution Company preceding the issuance of the impugned quotation is absolutely transparent. As such,

there is no scope of interference in the writ petition.

The affidavit-in-opposition and the affidavit-in-reply filed today be kept on record.

W.P.A. No. 8472 of 2019 is, thus, dismissed, without, however, any order as to cost.

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

(Sabyasachi Bhattacharyya, J.)