

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 23137 of 2022

Gurupada Maity
Vs.
State of West Bengal & Ors.

Mr. Bhaskar Chandra Manna
... for the petitioner

Mr. Kanak Kiran Bandyopadhyay
... for the WBSEDCL

The allegation of the petitioner is that, without taking any consent from the petitioner, who has been the owner of the property and has his residence over the same since the year 2012, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) took a high-tension electricity connection over the petitioner's land and installed a high tension and a low tension pillar on the land, which is precluding the petitioner from raising any construction on his land.

It is submitted that despite the petitioner having sought for shifting, the WBSEDCL initially did not agree initially, but are agreeing now to do so at the expense of the petitioner. It is contended that such claim for money would be contrary to the principle of equity.

Learned counsel appearing for the WBSEDCL argues that shifting was initially done by the National

Highway Authority, and not by the WBSEDCL, on the land of the petitioner.

That apart, it is contended that at the time of taking such connection, no objection was raised by the petitioner.

Upon perusal of the annexures to the writ petition, it is clear that the first and only objection taken by the petitioner, that too, for removal/shifting of the high-tension line and the pillars, was on June 22, 2022, that is, at least two years after the said connection was drawn.

Hence, it is too late in the day for the petitioner to seek compensation. In any event, the petitioner does not ask for compensation but for a shifting of the pillars/poles. Hence, within the contemplation of Clause 3.1 of Regulation 46, dated May 31, 2010, framed by the WBERC, the expenses are to be borne by the person asking for alteration, that is, the petitioner.

Accordingly, W.P.A. No. 23137 of 2022 is disposed of by directing the WBSEDCL to raise a quotation with regard to the expenses payable by the petitioner for such shifting of the high-tension as well as low-tension pillars, if any, to a safe position within the petitioner's premises, as per the petitioner's prayer, at least ten feet away from the present location of the same.

Such quotation shall be raised as expeditiously as possible, positively within a fortnight from date.

Upon the petitioner making due payment, the WBSEDCL will expedite the shifting work as much as possible.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)