

AD-20
Ct No.09
07.12.2023
TN

WPA No. 14811 of 2023

Sri Pankaj Lilha
Vs.
Regional Manager, Office of Regional Manager,
24Pgs(S) and others

Mr. Dhrubaneel Biswas,
Mr. Arijit Banik

.... for the petitioner

Mr. Debjit Mukherjee

.... for the WBSEDCL

- 1.** The petitioner argues that the West Bengal State Electricity Distribution Company Limited (WBSEDCL) installed a heavy duty transformer on the property of the petitioner without the consent of the petitioner at the behest of a third party.
- 2.** When the petitioner raised objection, it was informed that the petitioner is required to pay an amount for which a quotation was raised. Pursuant to the quotation, the amount of Rs.73,286/- was duly paid by the petitioner. However, even thereafter, the WBSEDCL is not shifting the transformer from the petitioner's property for which the instant writ petition has been made.

- 3.** Learned counsel for the WBSEDCL hands over a written instruction and submits that the WBSEDCL, after receipt of the payment as per the quotation, assigned the job to a vendor on May 11, 2023. The vendor started the work on May 19, 2023 in presence of the petitioner and his representative but during execution of the work, huge problem arose due to resistance by a large mass of people in the locality.
- 4.** Thus, the WBSEDCL could not take further steps in the matter.
- 5.** It is also sought to be contended that at the time of installation of the transformer, no objection had been raised by the petitioner but the objection was raised subsequently. Learned counsel for the petitioner controverts such allegation.
- 6.** In any event, upon hearing the parties, it is evident that the WBSEDCL is precluded from raising the issue that the petitioner did not object at the relevant juncture, since the WBSEDCL has already raised quotation and has received an amount for shifting of the transformer.
- 7.** In the event the transformer is required to be shifted after the WBSEDCL has received such amount, it is incumbent upon the WBSEDCL to

ensure that proper police assistance is given in that regard. It does not appear from the records that any such attempt has been made by the WBSEDCL. Since it is alleged that a mass of people are resisting, the local police are duty-bound, in order to ensure the maintenance of the law and order situation of the area, to grant police assistance to the WBSEDCL in that regard.

- 8.** Since the petitioner has already paid a huge amount for shifting, the petitioner is not further liable to also pay for police assistance.
- 9.** Accordingly, WPA No. 14811 of 2023 is disposed of by directing the WBSEDCL to approach the appropriate police authorities for adequate police assistance for the purpose of shifting the transformer from the property of the petitioner.
- 10.** The WBSEDCL shall take immediate steps within a fortnight from date to approach the police and remove the said transformer from the property of the petitioner. Since this is a general law and order situation and not specific resistance by a few persons and pertains to a public transformer, the police shall grant such assistance without seeking any remuneration from the petitioner.
- 11.** All parties shall act on the server copy of this order, without insisting upon prior production of

a certified copy thereof, for the purpose of compliance.

12. 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.)