

AD-55
Ct No.09
25.01.2023
TN

WPA No. 21921 of 2022

Samar Kumar Mondal
Vs.
The West Bengal State Electricity Distribution
Company Limited (WBSEDCL) and others

Mr. Sanat Kumar Roy,
Mr. Abhishek Banerjee
.... for the petitioner

Ms. Sonal Sinha
.... for the WBSEDCL

The grievance of the petitioner is that the petitioner and his family are in jeopardy, since the high-tension lines taken by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) immediately over the petitioner's property are hanging precariously close to the petitioner's house.

As per previous direction, a report is filed today by learned counsel for the WBSEDCL which indicates, *inter alia*, that the cost of the proposed shifting comes approximately to Rs.3,95,000/-.

It is submitted that since the petitioner constructed his house subsequent to the electrical lines being taken over said plot, at which juncture, the safety measures were fully maintained, it is the petitioner's responsibility to pay the amount required for the shifting.

Learned counsel for the petitioner submits that the amount asked for by the WBSEDCL is exorbitant and beyond the means of the petitioner and an independent expert may be appointed to ascertain the veracity of the said cost.

However, in the present case, the proposed work disclosed in the report justifies the cost which has been estimated for shifting by the WBSEDCL. Even without going into the factual ascertainment of the veracity of the amount, which the court is not an expert to do, the petitioner's liability to pay the shifting charges and to produce the necessary Way Leave certificates, cannot be avoided.

It has been rightly submitted on behalf of the WBSEDCL that the petitioner, knowing fully well the existence of the high-tension lines, had made the construction on his property. At the relevant juncture, the building was not there and, as such, the safety measures were fully complied with by the WBSEDCL.

In fact, the WBSEDCL has taken a fair approach in offering to shift the line on the request of the petitioner. However, the petitioner is liable to deposit the costs as assessed by the WBSEDCL therefor.

Since an estimate has been raised by the WBSEDCL which does not appear to be demonstratively disproportionate with the work

involved, there is no scope of altering the same sitting in the writ jurisdiction.

Accordingly, WPA No. 21921 of 2022 is disposed of by directing the WBSEDCL to shift the high-tension electricity lines going over the petitioner's property as expeditiously as possible, only subject to the petitioner depositing the necessary shifting charges for the same. It is expected that in the event such shifting expenses are deposited by the petitioner within two months from date, the shifting work shall be commenced immediately thereafter and shall be completed within a reasonable time thereafter.

In any event, the WBSEDCL shall ensure that the safety measures with regard to the apparatus and the high-tension lines of the WBSEDCL in other respects are duly ensured by the WBSEDCL at all times.

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.)