

D/L. 14.  
January 3, 2023.  
MNS.

WPA No. 28692 of 2022

Basudeb Mondal  
Vs.  
CESC Limited and another

Mr. Bidyut Kumar Halder,  
Mr. Indranil Halder

... for the petitioner.

Mr. Rajiv Lal

...for the CESC Limited.

Affidavit-of-service filed in Court today be  
kept on record.

A photocopy of a case summary and  
photographs handed over today in court by  
learned counsel for the CESC Limited be kept on  
record.

The grievance of the petitioner is that  
despite the petitioner having given  
representations to the District Engineer, CESC  
Limited, South West Regional Office, with regard  
to shifting of a transformer installed within the  
property of the petitioner, the same has not been

acted upon as yet by the respondents, in particular respondent no. 2.

Learned counsel appearing for the CESC Limited submits that the transformer-in-question is situated in a well demarcated and bounded enclosure within the property of the petitioner. Not only that, the same is standing at its present position from as long back as in the year 1985 and was installed to cater to the electricity needs to the neighbourhood, including the petitioner, who was also an applicant for installation of such transformer.

Moreover, the CESC Limited, it is contended, has taken an inspection, which indicates that the transformer is located at a safe distance from the living quarters and the main building of the petitioner. Since no change of circumstance warranting the shifting of the transformer from this demarcated location has been made out by the petitioner at all, it is submitted that a consideration of the representation of the petitioner would be an exercise in futility.

Upon considering the submissions of learned counsel, it transpires that the CESC Limited, for certain reasons as disclosed in its

arguments, is not of the opinion that the transformer ought to be shifted. However, since it is the right of any person allegedly affected to seek the shifting of a transformer, the petitioner ought not to be bound to the application, in which the petitioner was a co-applicant, made about 37 years back for installation of the transformer in the property of the petitioner. Since the petitioner has given a certain representation to the District Engineer, CESC Limited (respondent no. 2), for the ends of justice, the said respondent ought to consider the same and come to a reasoned conclusion thereon.

Accordingly, WPA No. 28692 of 2022 is disposed of by directing the respondent no. 2 to consider the representation of the petitioner annexed at page 10 (Annexure- P/2) of the present writ petition as expeditiously as possible, if deemed necessary upon giving an opportunity of hearing to the petitioner, positively within three weeks from date.

It is made clear that the merits of the allegations and counter allegations made in this writ petition have not been gone into by this Court.

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.)