

Constitutional Writ

Present:

The Hon'ble Mr. Justice Jayanta Kumar Biswas

Judgment on 27.08.2010

W.P. No.3052 (W) of 2010

M/s Surya Toran

v.

The West Bengal State Electricity Distribution Company Limited & Ors.

Points:

**Quotation-** Whether the licensing authority can issue second quotation and issue quotation for two transformers- Electricity Act, 2003-S. 46

Facts:

The first quotation was issued on October 18, 2008 for two transformers. Parties did not act thereon. The licensee issued a fresh quotation dated January 5, 2010.

Held:

It is not for the petitioner or for the Court to decide how many transformers are required for supplying the petitioner electricity according to his request. There is no question of interfering by the Court unless it is shown that the decision to use two transformers has been taken illegally or unreasonably or arbitrarily.

Para 2

The increase in the amount is because of the time gap between the two quotations. The first quotation was issued on October 18, 2008. For some reason or other parties did not act thereon. The petitioner revived the issue recently. Consequently, the licensee issued a fresh quotation dated January 5, 2010. It is obvious that the increase in the amount is for the increase in the price of the materials.

Para 3 and 4

Mr. Hiranmay Bhattacharyya and Mr. M.K. Ghosh, advocates, for the petitioner.

Mr. Kaushik Roy, advocate, for WBSEDCL.

The Court: Mr. Bhattacharyya, counsel for the petitioner, submits as follows: the West Bengal State Electricity Distribution Company Limited, a licensee under the Electricity Act, 2003, first issued a quotation for two transformers, though one transformer is sufficient; and then issued a second quotation arbitrarily increasing the amount substantially.

2. It is not for the petitioner or for the Court to decide how many transformers are required for supplying the petitioner electricity according to his request. There is no question of interfering by the Court unless it is shown that the decision to use two transformers has been taken illegally or unreasonably or arbitrarily.

3. As to the second grievance, it is evident from the second quotation that the increase in the amount is because of the time gap between the two quotations.

4. The first quotation was issued on October 18, 2008. For some reason or other parties did not act thereon. The petitioner revived the issue recently. Consequently, the licensee issued a fresh quotation dated January 5, 2010. It is obvious that the increase in the amount is for the increase in the price of the materials.

5. For these reasons, I dismiss the petition saying that nothing herein shall prevent the petitioner from requesting the licensee to issue a fresh quotation, since the validity of the last quotation has already expired. No costs. Certified xerox.

(Jayanta Kumar Biswas, J.)

