

**IN THE COURT OF THE DISTRICT JUDGE, SOUTH 24-PARGANAS**

**A L I P O R E**

**Present: Shri Suranjan Kundu, District Judge, Alipore.**

**P.P Appeal 25 of 2017**

**Order No. 08 dated 27.11.2017**

In Order no. 06 dated 07.11.2017 the stay of the operation of the impugned order passed by the Estate Officer has been granted on condition that the appellant must deposit Rs. 22,00,000/- as part payment of the arrear damages and also to deposit Rs. 2,50,000/- per month as occupational charge till the disposal of the appeal. Being dissatisfied with the said order the appellant CESC has again filed an application on 22.11.2017 praying for reduction of the said amount by reconsidering the same. The respondent KoPT has opposed and today is fixed for hearing of the stay petition. It is submitted on behalf of the CESC that Rs. 22,00,000/- so ordered is an astronomical amount which the CESC cannot afford. It is submitted that CESC is discharging the responsibility of public utility services and public in general will be at inconvenience if the CESC stops distribution of the power from that sub-station. Ld. Advocate for the CESC submits that the assessment done by the Estate Officer is arbitrary and cannot be accepted under any circumstances.

Ld. Advocate for the KoPT has opposed vehemently stating that Court has already reduced the amount to less than 50% and even after such reduction the said amount is not being paid by the CESC.

Considered. The order no. 06 dated 07.11.2017 was passed by this Court after considering the order of the Estate Officer as well as the rate assessed by the Tariff Board. The CESC has failed to make out insufficient ground for reconsideration of the said order. This Court is also not finding any cogent reason to reduce the amount as ordered earlier. The petition is , therefore, rejected on contest .

The appellant is once again directed to comply with the Order no. 06 dated 07.11.2017 within 05.12.2017 i/d the stay will be vacated automatically .

To 06.12.2017 for further hearing awaiting compliance of the order by the appellant.

D/c by me

Sd/-

District Judge, Alipore

District Judge, Alipore

