

15.10.2020.

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**W.P.A No. 6956 of 2020**

IA No: CAN 1 of 2020

Sri Prodipta Barman and another

Vs.

The West Bengal Electricity Distribution Co. Ltd. and  
another

Mr. Sounak Bhattacharya

... for the petitioners

Mr. Amitabh Shukla,

Mr. Prakash Chandra Pandey

... for the WBSEDCL.

Considering the urgency pleaded by the petitioner in CAN 1 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly, the application being CAN 1 of 2020 is disposed of.

The Distribution Company has filed a report.

The sum and substance of the grievance of the petitioners is that a transformer has been installed on a water body belonging to them. By reason thereof they have suffered loss of revenue and loss of user of water body. A co-ordinate bench on 23<sup>rd</sup> September, 2020 directed the Distribution Company to file a report. The report does not clearly say that there was an existing transformer on the pond of the petitioners. It is only submitted as such at the bar by the Distribution Company. What is clear of this Court is

that there were electricity lines that were drawn over or adjacent to the pond of the writ petitioners. Such electricity lines were disturbed and disrupted after Amphan Cyclone. The Distribution Company thereafter may have encroached the petitioners' pond and constructed a transformer thereat.

Counsel for the Distribution Company fairly submits that if the petitioners' claim is for compensation for construction of a transformer over their land, the Distribution Company is ready to follow the due process of law in this regard.

In those circumstances, the District Magistrate, South 24 Parganas shall decide the amount of compensation payable to the petitioners for user of their land by the Distribution Company for erecting the aforesaid transformer under the provisions of the Electricity Act and the relevant rules.

The District Magistrate shall give due opportunity of hearing to the petitioners as well as the Distribution Company before passing any order. The District Magistrate shall be at liberty to examine the contractor who had erected and constructed the transformer in question. A reasoned order may be passed by the District Magistrate, copies whereof shall be given to the parties within seven days thereof.

Let the above process be completed by the District Magistrate within a period of three months from date.

Report filed under e-mail dated 14<sup>th</sup> September, 2020 be taken on record. A copy of the same may be furnished to the counsel for the petitioners by the Distribution Company.

With the aforesaid observations, the instant writ petition is disposed of.

***(Rajasekhar Mantha, J.)***