

Ct. 23
Item Nos.20
09.12.2020
(suvendu)

WPA 9109 OF 2020

**KHUDIRAM GHOSH
Vs.
WBSEDCL & ORS.**

(Via Video Conference)

Mr. Dhananjay Banerjee
Ms. Oindrila Ghosh for the petitioner

Mr. Soumyajit Chakrabortyfor the WBSEDCL

The petitioner has sought for a new connection from the West Bengal State Electricity Distribution Company Limited (in short, WBSEDCL) to be effected in the petitioner's property situated at Khatian No. 3942, JL No. 107, Mouza – Dogachhia, P.S. –Purbasthali, District – Purba Bardhaman. The petitioner has produced the record of rights in support thereof. WBSEDCL has raised quotation on the petitioner and on the basis of the same the petitioner has also paid on the same date itself.

It is submitted on behalf of WBSEDCL that the supply can be effected only if a pillar or post is constructed on a common pathway for drawing the line. It is also the case of the WBSEDCL that they were resisted from affixing the wire to give the new connection.

The factual aspect is not clear either from the writ petition or from the submissions made by the parties. In

the letter dated 16th July, 2020 written by the petitioner through his advocate there is no mention of any request from the side of the WBSEDCL for constructing a pillar. In paragraph 9 of the writ petition, the petitioner has, however, stated that the petitioner was asked to construct an electric pillar through which the electric connection can be drawn. Electric pillar on the plot in which a person is seeking connection can be erected by him. However, if the same is required to be erected or constructed on a public road or even a common passage shared by more than one dwelling house, the responsibility of erecting a pillar or a pole for effecting connection is on the licensee. This is more so because the technical specifications are needed to be followed to make a pillar or a pole compatible for drawing electricity for which the licensee is more equipped than an individual. WBSEDCL, the licensee cannot leave the erection of a pillar or a pole on a common passage or a public road upon an individual who is seeking electricity connection. It is the responsibility of WBSEDCL in the instant case to erect the pillar according to the specifications at the cost of the petitioner since the petitioner is seeking for a new connection. If the licensee (WBSEDCL) is resisted from erecting a pillar or a pole then the procedure is to refer the matter to the concerned District Magistrate in view of provisions of West Bengal Works of Licensees Rules, 2006. This procedure has not been followed in the instant case. WBSEDCL is directed to take all steps for erecting the pillar or pole on the common passage for the

purpose of effecting a new connection to the petitioner. In the event the officials of WBSEDCL is resisted from making the pillar or erecting the post for the new connection they should immediately and not later than seven days therefrom shall refer the matter to the District Magistrate, Purba Bardhaman for necessary action. The District Magistrate, if approached, shall give his decision after hearing the petitioner and the persons said to have resisted as also WBSEDCL. The whole exercise should be completed by the District Magistrate, if so approached, within a period of thirty days from the date on being approached. WBSEDCL in the event constructs the pillar or the post the cost of the same shall be borne by the petitioner. WBSEDCL shall also keep the petitioner informed about the date when they intend to erect or construct the pillar or pole and about any resistance if any faced by them immediately.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of without any order as to costs.

Since no affidavit-in-opposition is called for, allegations contained in the writ petition are deemed to be denied.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Arindam Mukherjee, J.)

