

SL 23
(suvendu)
Ct. No. 23
15.12.2020

**W.P.A. 9589 of 2020
(Via Video Conference)**

**Samir Maity
Vs.
WBSEDCL & Ors.**

Mr. Syed Mosihar Rahaman

... For the petitioner.

Mr. Puspall Chakraborty

... For the WBSEDCL

Respondent nos. 1, 2 and 3 are represented. However, the respondent no.4 (Officer-in-Charge of Shyampur Police Station) and the respondent no.5 (private respondent) remain unrepresented. Affidavit of service filed in court today by the petitioner is taken on record. It appears from the said affidavit of service that the private respondent has refused to accept the postal envelop said to be containing the writ petition dispatched on 17th November, 2020 by the advocate for the petitioner. Order, therefore, can be passed in the absence of the private respondent.

The petitioner seeks a new connection from West Bengal State Electricity Distribution Company Limited (for short, "WBSEDCL") and had applied for that on 13th February, 2019. The grievance of the petitioner is that though the petitioner is entitled to

get a new electricity connection under Section 43 of the Electricity Act, 2003, he has not been given the same.

On behalf of WBSEDCL it is submitted that they had deployed men on three several occasion but could not draw the line for providing the petitioner with electricity due to the resistance from the side of the respondent no.5. It is further submitted that the petitioner's premises can be approached from the main village road only through a six feet wide common passage. Electricity poles are required to be affixed on this six feet wide common passage for drawing the line to provide electricity at the petitioner's premises.

The private respondent made a written complaint to the respondent no.1 on 21st September, 2020 objecting to the drawing of electricity line to provide supply to the petitioner's premises. On perusal of such written objection it appears that in 2011 two poles were erected by WBSEDCL on the plot owned by the private respondent as a result whereof a civil case was instituted by the said private respondent. In the said civil case, according to the private respondent, there is an order directing removal of the two electric poles from the premises of the private respondents. It is also the case of the private respondent that the petitioner to cause prejudice to the private respondent is attempting to

take a new connection by the electric supply line being drawn through the common passage after affixing pole or poles on the said passage.

The private respondent cannot prevent the petitioner from enjoying electricity as also WBSEDCL from effecting connection to the petitioner's premises on the grounds as made out in her letter dated 21st September, 2020. Non-removal of electric poles from the plot of the private respondent as alleged by the said private respondent cannot also prevent drawing of line through the common passage. WBSEDCL as a licensee is also authorised under the statute to execute work on the said passage.

Considering the materials on record and after hearing the parties, I think justice will be subserved if I direct WBSEDCL to give connection to the petitioner for drawing line through the common passage by taking police help after holding a further inspection in presence of concerned B.L. & L.R.O., the petitioner and the private respondent. During such inspection WBSEDCL should consider laying of underground cable through the said passage and explore all possibilities so that the width of the passage is not unnecessarily reduced for erecting of poles to draw the line. The respondent no.4 shall render all assistance to the officials of WBSEDCL and the B.L. & L.R.O. for carrying out the inspection. WBSEDCL shall inform the respondent no.4,

concerned B.L. & L.R.O., the petitioner and the private respondent as to the date and time of inspection well in advance so that the inspection does not become infructuous. The inspection as ordered has to be carried out on or before 25th December, 2020. After the inspection if it is found that the only feasible way of giving connection to the petitioner's premises is by drawing electric line through the common passage or laying underground cable through thereat as the case may be then WBSEDCL at the cost and expenses of the petitioner and after the petitioner complies with the statutory provisions shall give connection to the petitioner within 25th January, 2021 adopting the feasible mode.

The writ petition 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 xerox certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)