

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1721 of 2020

Sankar Jana
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

Mr. Shibaji Kumar Das
... For the petitioner

Mr. Mihir Kundu
... For WBSEDCL

Affidavit of service filed in Court today is taken on
record.

Pursuant to an application for low tension domestic supply made by the petitioner, West Bengal State Electricity Distribution Company Limited (hereinafter referred to as "WBSEDCL") raised a quotation on 26th November, 2013. The petitioner made payment of the amount as per the quotation on 4th December, 2013. Despite such payment, the petitioner was not given the electricity connection allegedly due to objections raised by the petitioner's brother. The petitioner therefor approached this Court by filing a writ petition, being WP No.23426 (W) of 2016. In the said writ petition, by an order dated 18th January, 2018, the written objections including that made by the respondent no.8 (private respondent in the said writ petition) to WBSEDCL were directed to be disposed of within four weeks from the date of the said order by passing a reasoned order.

The Assistant Engineer and Station Manager, Marishda Customer Care Centre, WBSEDCL invited the parties for a hearing on 3rd February, 2018 at 10.30 a.m. by issuing a notice dated 29th January, 2018. It appears that on 10th February, 2018, the said Assistant Engineer and Station Manager disposed of the objections in terms of the order dated 18th January, 2018 passed by this Court. By the said reasoned order, it was held that the petitioner should be given an electricity connection but wanted the petitioner to provide necessary police personnel at the time of effecting the new service connection to the petitioner. After a lapse of about two years, the petitioner has to again approach this Court in a second round of litigation simply because electricity connection was not given to the petitioner even after about two years from the reasoned order passed by the concerned Assistant Engineer and Station Manager.

The case in hand is a classic example of administrative lackadaisicalism. A person has to knock the doors of the Court time and again without there being any actual necessity for the same. This Court while passing the order on 18th January, 2018 expected that the licensee shall fulfil its obligation under Section 43 of the Electricity Act, 2003 (hereinafter referred to as “the 2003 Act”) after the objections were considered. The Assistant Engineer and Station Manager on finding that the petitioner is entitled to get an electric connection should have taken such steps to prevent a second round of litigation before this Court. The

concerned Assistant Engineer and Station Manager was competent enough to approach the District Magistrate or the police authority being authorised under the statute seeking assistance in granting the connection to the petitioner. The legislature has granted the licensee with ample powers under Section 164 of the Electricity Act, 2003 as also under Rule 3 of the West Bengal Works of Licensees Rules, 2006. The concerned Assistant Engineer and Station Manager if was apprehensive or resistance would have taken recourse of such provisions of law without insisting upon the petitioner to arrange for police personnel. The said Assistant Engineer and Station Manager without doing so had asked the petitioner to make arrangement of police personnel to keep the issue alive for a next round of litigation.

The issue which could have been resolved within a couple of days got lingered and this Court was burdened with another round of litigation for no good reason.

Considering the facts and circumstances of the instance case, I direct WBSEDCL to give connection to the petitioner on 15th January, 2021. The personnel of WBSEDCL should be present at the petitioner's premises for giving such connection on that date at 11.30 a.m.

The respondent no.6 (private respondent) despite repeated service remains unrepresented. It is expected that the said respondent no.6 shall cooperate with the officials of WBSEDCL and the petitioner while the personnel of

WBSEDCL go to the petitioner's premises for effecting the connection on 15th January, 2021.

The Officer-in-Charge, Marishda Police Station (respondent no.5) shall ensure that there is no breach of peace at the petitioner's premises and/or in its precincts on 15th January, 2021 when the personnel of WBSEDCL visit petitioner's premises for granting new connection.

It is needless to say that the new connection shall be granted upon payment of all applicable charges by the petitioner, if not already paid and after complying with the statutory requirements.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)