

17
24.12.2021
TN

WPA No.20585 of 2021

Animesh Ghosh
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Md. Kutubuddin,
Ms. Doyel Dey

.... for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra

.... for the WBSEDCL

Affidavit-of-service filed in court today be kept
on record.

The petitioner contends that despite the area-in-question not being a critical or semi-critical zone as per the categorization of Blocks by the Water Investigation and Development Department, Government of West Bengal, the Distribution Company has refused to give a new electric connection to the petitioner without a permit therefor, from the appropriate authorities, having been deposited by the petitioner. It is argued that in view of the zone being neither critical nor semi-critical, such requirement is entirely superfluous and on such ground, the

Distribution Company cannot refuse electric connection.

Learned counsel appearing for the Distribution Company, however, places reliance on Section 7 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (for short “the 2005 Act”) and submits that under the provisions of the said section, no user shall sink any well for extracting or using ground water without obtaining a permit issued by the State Level Authority or the District Level Authority or the Corporation Level Authority, as the case may be, in terms of Sub-Section (3) of Section 7.

As such, without production of such permit, the petitioner’s application for new connection, which is specifically for operating submersible pump, cannot be granted.

There is justification in the contention of the Distribution Company inasmuch as Section 7 of the 2005 Act makes it mandatory for any user to have a permit issued by the Authorities mentioned in Section 7 of the Act in case the person seeks to sink any well for extracting or using ground water.

As such, such requirement cannot be waived by the Distribution Company in giving any such

connection, irrespective of the allegation that the zone is not a critical or semi-critical one.

In such view of the matter, WPA No.20585 of 2021 is disposed of by granting the petitioner leave to obtain a requisite permit from the appropriate authorities. Upon production of the same and compliance of other due formalities, the Distribution Company shall give the connection to the petitioner in accordance with law as expeditiously thereafter as possible, subject to compliance, of course, of other formalities.

The Circular dated November 16, 2011 handed up by learned counsel for the petitioner, which is issued by the Water Investigation and Development Department of the Government of West Bengal, be kept on record.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)