

03
21.01.2022
TN

WPA No.82 of 2022

Khokon Kumar Maity
Vs.
West Bengal State Electricity Distribution
Company Limited (WBSEDCL) and others

(Via Video Conference)

Mr. Shamik Bagchi

.... for the petitioner

Ms. Sonal Sinha

.... for the WBSEDCL

Mr. Jahar dutta,
Mr. Bipin Ghosh

.... for the State

Mr. Amit Baran Dash

.... for the respondent no.7

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

The grievance of the petitioner is that the
Distribution Company is sitting tight over the
application for new electric connection made by the
petitioner for a period of over eleven years.

Learned counsel appearing for the Distribution
Company submits that it was not the fault of the
Distribution Company that such delay was
occasioned. In fact, the petitioner renewed his prayer

for new electric connection on April 21, 2021. The primary issue in that regard is the objection raised by local people in the neighbourhood, which comes in the way of no way leave certificate being obtained by the petitioner as required by law for giving a new connection and that the petitioner could not provide any alternative route for taking such connection apart from the existing electric pole.

Learned counsel appearing for the private respondent, who is one of the people in the neighbourhood, submits that, despite there being alternative route for giving electric connection to the petitioner, the Distribution Company has sought to give such connection over the *bastu* land of the private respondent.

It is argued that such proposed connection over the *bastu* of the private respondent would create immense risk to the life and limb of the private respondent and the people in the neighbourhood.

It is clear from the submissions of the Distribution Company that there is no other available alternative route to give the electric connection to the petitioner's premises but via the existing electric pole. Despite the allegation of the private respondent and other people in the neighbourhood that the proposed connection would have to be taken, in that case, over

the *bastu* property of the private respondent, the law is very clear that all applicants have a right under Section 43 of the Electricity Act, 2003 to get an electric connection to their premises. Moreover, it is well-settled that electricity is a basic necessity and a part of the right to live and, as such, no citizen of India can be deprived of getting electricity, subject to other conditions being fulfilled.

In the present case, since there is no alternative route but the existing electric pole to give electric connection to the petitioner, the objection of the people in the locality becomes redundant. Even if it may cause some inconvenience to the people in the neighbourhood in the event the electric connection to the petitioner is given through the existing electric pole, such inconvenience is overridden by the fundamental and legal right of the petitioner and the urgency to get electric connection. The law is very clear in that the Distribution Company, if upon assessment it comes to such decision, can give adequate compensation, upon due compliance of legal formalities, to the people, who would face inconvenience in the event connection is given, there cannot be any hindrance in the Distribution Company giving such connection to the petitioner in the present case, subject to any compensation that may be given

to the third party, in the event the connection causes any inconvenience to a third party.

Hence, WPA No.82 of 2022 is disposed of by directing the Distribution Company to take appropriate inspection and give electric connection to the petitioner over the existing electric pole, subject to compliance of all formalities by the petitioner, within three weeks from such compliance. In the event the Distribution Company personnel face any resistance from any quarter, including the private respondent and/or other people in the neighbourhood, it will be open to the Distribution Company officials to approach the local police station for adequate police assistance in that regard.

If so approached, the Officer-in-Charge of the local police station shall immediately give adequate assistance for the purpose of giving such connection to the petitioner, at the cost of the petitioner.

The parties as well as all concerned shall act on the written communication of the learned Advocates for the parties, accompanied by server copies of this order, without insisting upon prior production of a certified copy thereof.

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.)