

May 5, 2022
Sl. No.24
Court No.1
s.biswas

FMA 108 of 2022
With
CAN 1 of 2022
CAN 2 of 2022

Patit Ghosh
vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Pankaj halder,
Mr. Sanatan Panja,
Mr. Tapas Manna,
Ms. Chaitali Sarkar, Advocates

... for the appellant
Mr. Kanak Kiran Bandyopadhyay, Advocate
... for the WBSEDCL

By this appeal, writ petitioner has challenged the order of the learned Single Judge dated 09.08.2021, whereby WPA 12369 of 2021 has been disposed of with the observation that the appellant will pay all costs, charges and expenses for the high-tension electricity connection as well as the police protection.

The appellant had filed the writ petition seeking a direction to the Distribution Company to provide high-tension electricity connection on the appellant's premises at Dag No.752/1653 corresponding to L.R. Khatian No.1867, Mouza- Buicha.

Learned Single Judge has taken note of the stand of the respondents (Electricity Distribution Company) that the appellant is entitled to high-tension electricity supply but in the said process the respondents Distribution

Company is obstructed. Hence, the observation has been made for bearing the charges for police help.

Learned counsel for the appellant has submitted that the appellant is unnecessarily requiring to pay the charges to the police whereas in case of any obstruction, the respondents Distribution Company has to take action under Section 186 of the IPC.

Opposing the prayer, learned counsel for the Distribution Company has submitted that the appellant himself had made the prayer for police help and that when the order was passed in the presence of the appellant to pay the cost, he had not objected.

Having heard the learned Counsel for the parties and on perusal of the record, it is noticed that no provision of law has been pointed out by the learned Counsel for the appellant which entitle him to seek police help for the purpose of installation of high-tension electricity connection in case of resistance by the local residents. Section 43 of Electricity Act has been relied upon by the Counsel for the appellant but that also does not come to his rescue so far as the issue of payment of charges for police help is concerned. So far as Section 186 of the IPC is concerned if any obstruction is done by the third party in performance of the official duty by the respondents, then they will be at liberty to make a police complaint in this regard. Hence, in the aforesaid circumstances of the case we find the view taken by the learned Single Judge

does not suffer from any error and no ground to interfere in the order of the learned Single Judge. Hence, the appeal is dismissed.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]