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25.01.2022
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WPA No.470 of 2022

Ritis Kumar Syamal
Vs.
West Bengal State Electricity Distribution
Company Limited and others

(Via Video Conference)

Mr. Kapil Chandra Sahoo,
Mr. Kartik Das

.... for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra

.... for the WBSEDCL

Mr. Soumen Dutta,
Mr. Subhadeep Chatterjee

.... for the private respondent

Learned counsel for the petitioner contends that despite having deposited all relevant charges for getting a new electric connection and the demand of connection being less than 5 kw, the distribution licensee has not yet given such connection in favour of the petitioner.

Learned counsel for the private respondent, on the other hand, contends that it is evident from the writ petition itself that the petitioner has the consent of only his brothers in respect of taking the electric

connection-in-question. However, the private respondent, it is submitted, has an adjacent land to the petitioner's plot, the distance between which will be less than the statutory limit.

On such ground, learned counsel for the private respondent objects to the electric connection being given to the petitioner.

Learned counsel appearing for the distribution licensee insists that production of a SWID certificate from the concerned ground water authorities is absolutely necessary in view of there being a specific restriction regarding the supply of electricity for the purpose of extracting ground water in critical and semi-critical areas. By placing reliance on the language of Section 7 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005, learned counsel for the distribution licensee reiterates that exemptions have been granted only in respect of matters involving public interest and that too with regard to operation of hand-pumps.

Upon hearing learned counsel for the parties, although it *prima facie* appears that the locality in which the petitioner's pump is to be located, that is, Akbarpur does not find place in the list of the critical or semi-critical blocks as per the Notification dated

November 16, 2011 published by the Water Investigation & Development Department of the Government of West Bengal; however, it cannot be ensured by this court, which is not an expert in the matter nor has the direct know-how in that regard, as to whether the zone in which the petitioner's plot is located has been mentioned as either a critical or a semi-critical area in some other Notification published by the ground water authorities and/or whether the petitioner's pump falls within the exempted category. Mere mention of a contract demand of less than 5 kw would not justify a mandatory direction on the distribution licensee to give such connection without the applicant/petitioner furnishing a SWID certificate from the appropriate authorities.

In such view of the fact, WPA No.470 of 2022 is disposed of by directing the distribution licensee to give new connection to the petitioner subject to ascertainment as to whether the petitioner is otherwise entitled to get such connection and upon production of a SWID certificate from the ground water authorities in such regard. In the event all such formalities and other formalities are complied with by the petitioner, the distribution licensee shall give the electric connection to the petitioner within a week thereafter.

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.)