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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No.653 of 2022

(Via video conference)

Sk. Mizanur Rahaman

-vs.-

The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Sukumar Ghosh,
Ms. Moumita Ghosh,
Mr. Arun Kumar Ray
...for the petitioner

Mr. Mani Sankar Chattopadhyay
...for the WBSEDCL

Mr. Piush Chaturvedi,
Mr. Uttam Kumar Mondal,
Ms. Maitree Roy
...for the Power Grid Corporation

Learned counsel appearing for the petitioner argues that the petitioner is a poor cultivator and has been suffering due to the damages caused to the petitioner's land by the Power Grid Corporation, which is seeking to take high-tension connections over the petitioner's land.

Learned counsel appearing for the Power Grid Corporation submits that, under Section 164 of the Electricity Act, it is open to the transmission licensee to lay connections

over any land, if no feasible alternative route is available, subject, of course, to the licensee compensating the persons, if any, who suffer damages due to such work. As such, it is argued that the stage for assessing compensation can only come once the work is completed and the purported damage occurs.

There is substance in the submission of learned counsel for the Power Grid Corporation that unless the Power Grid Corporation, being the transmission licensee, has the authority to ascertain the exact route of the high-tension connections given by it, it would create chaos and affect adversely public interest. Although the individual cultivator, over whose land, if at all, such connection is taken, has a right of compensation, such right only arises upon the work being completed on such land. As such, there is no scope for interfering at present in the matter.

However, W.P.A. No.653 of 2022 is disposed of by granting liberty to the petitioner to approach the respondent no. 3 once the work is completed over the petitioner's land, with a claim of adequate

compensation payable by the respondent no. 3 to the petitioner.

If such an application is made by the petitioner at the relevant juncture, the Power Grid Corporation shall assess and decide on the same as well as disburse due compensation, if any, payable to the petitioner within a reasonable period.

Such assessment shall not be influenced in any manner whatsoever by any of the observations made herein.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)