

AD. 28.
February 16, 2022.
MNS.

(Through Video Conference)

WPA No. 1051 of 2022

Chittaranjan Kar
Vs.
The State of West Bengal and others

Mr. Sajal Kumar Ghosh

...for the petitioner.

Mr. Amitabh Shukla

...for the WBSEDCL.

Learned counsel for the petitioner contends that, on the request of the petitioner, who has been cultivating his land, an electric connection was given to the petitioner's deep tube-well and for the said purpose a transformer had been installed at the precincts of the petitioner. Subsequently, due to his advanced years, the petitioner no longer wishes to carry on cultivation on the said deep tube-well and has sold the same in favour of third parties.

In such view of the matter, the petitioner sought that the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') shifted the transformer, which is no longer being used by the petitioner, from its existing location.

Learned counsel for the WBSEDCL submits that the petitioner, and thereafter his brother, had

been cultivating the land. However, it is an admitted position that they want the said transformer to be shifted at present.

However, when the WBSEDCL personnel went for an inspection at the locale, the other farmers who are enjoying electricity for the purpose of their cultivation from the transformer-in-question raised an objection to the shifting, since it will affect their livelihood directly.

Since the petitioner is no longer willing to use the transformer for the purpose of taking electricity, there cannot be any rhyme and reason to compel the petitioner to suffer the existence of the transformer within his property or in the vicinity. However, needless to say, the other cultivators or others in the neighbourhood, who want to have electricity connection in the area for whatever purpose, are entitled in law to apply for the installation of a new transformer upon providing a space for installation of the same, of course, upon compliance of all due formalities and payment of the bills raised for that purpose by the WBSEDCL.

In such view of the matter, WPA 1051 of 2022 is allowed, thereby directing the WBSEDCL to refund the security deposit, to the tune of Rs. 2,450/- (Rupees two thousand four hundred and fifty) only, which had been made by the petitioner at the time of taking the electric connection, within three weeks

from date. The WBSEDCL, within four weeks from date, shall remove the transformer from its existing location and out of the vicinity of the petitioner's plot positively, upon publication of a notice of such shifting at a conspicuous place in the vicinity of the existing location of the transformer to enable other cultivators who are enjoying electricity from the said transformer at present to apply duly for fresh electric connection and installation of a transformer at a different location, to be provided by the new applicants.

In the event any obstruction is raised to the WBSEDCL personnel complying with this direction, it will be open to the said personnel to approach the respondent no. 6, the Officer-in-Charge of the Bhagwanpur Police Station, for adequate police assistance in that regard.

If so approached, the respondent no. 6 shall give sufficient police protection and assistance to the WBSEDCL personnel, at the cost of the petitioner, for the purpose of carrying out the direction passed by this Court.

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.)