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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13022 of 2021

with

W.P.A. No. 2391 of 2022

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C.A.N. 1 of 2022

Sahadat Hossain

Vs.

West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Arindam Chattopadhyay,

Ms. Lipika Chatterjee,

Mr. Soumik Dey

...for the petitioner

Mr. Sumit Kumar Panja,

Ms. Bandana Basu

...for the WBSEDCL in

WPA 13022 of 2021

Mr. Sumit Ray

...for the WBSEDCL in

WPA 2391 of 2022

In Re.: W.P.A. No. 13022 of 2021

Learned counsel for the petitioner in W.P.A. No. 13022 of 2021 is absolutely confused regarding the facts of the case. However, upon hearing learned counsel for the Distribution Licensee and going through the pleadings, what little could be deciphered is that this writ petition pertains to Plot No. 3900.

With regard to Plot No. 3900, which is the subject-matter of the instant writ petition, that is, W.P.A. 13022 of 2021, it has been admitted by the

Distribution Licensee in the affidavit-in-opposition that the petitioner had applied for a new STW connection and upon raising a quotation, the quotation amount had been deposited by the petitioner. However, due to objection raised by nearby plot owners and failure of the petitioner to produce Way Leave Certificates, the connection could not be given.

It was intimated by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) to the petitioner, as long back as on February 05, 2020, with regard to the necessity of the Way Leave permission due to resistance of the local people. However, unfortunately, the petitioner did not approach the District Magistrate for resolution of the issue as provided in law.

In such view of the matter, even without going into the merits of the allegations and counter-allegations with regard to the connection sought at Plot No. 3900, W.P.A. No. 13022 of 2021 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate with the dispute as raised by the WBSEDCL in giving electricity connection in Plot No. 3900.

If so approached, the District Magistrate shall decide the said issue upon giving adequate opportunity of hearing to the petitioner, the WBSEDCL as well as all the objectors to the connection being given to the

petitioner, in accordance with law and decide the issue as expeditiously as possible, preferably within ten working weeks from the date of reference to the District Magistrate by the petitioner.

There will be no order as to costs.

In Re.: W.P.A. No. 2391 of 2022

Upon hearing learned counsel for the parties, it transpires that the petitioner has not specified the plot number with regard to which the alleged application for permanent electricity connection was made. However, as rightly pointed out by learned counsel for the WBSEDCL and evident from the documents produced by the petitioner, it transpires that the same, that is, application No. 3002922364, was made on January 24, 2019 in respect of the petitioner's plot no. 766. In the said plot, the petitioner, according to the WBSEDCL, had a permanent STW connection vide Consumer ID No. 313293531. However, subsequently, the WBSEDCL discovered that there was direct hooking by the petitioner, for which a complaint was lodged with the police-authorities, giving rise to Sagardighi P.S. Case No. 340 of 2021 dated September 10, 2021.

Again, it is submitted that the permanent STW connection at Plot No. 766, having Consumer ID No. 313293531, has an outstanding dues of

Rs.2,70,933.34 for non-payment of the bill raised against the electricity consumption of the submersible pump of the petitioner situated at Plot No. 766, Bokhara Mouza.

In view of the allegation and the pendency of the connected criminal case regarding theft, the said permanent connection could not be given to the petitioner.

The remedy for the petitioner lay before the appellate authority by mounting a challenge against the final order of assessment raised by the WBSEDCL with regard to Plot No. 766. In view of the allegation of theft and the pendency of the criminal case as well as the absence of any challenge by the petitioner against the final order of assessment, this Court, sitting in its writ jurisdiction, cannot reopen the issue and/or direct the WBSEDCL, at this belated stage, to take appropriate steps for giving permanent connection to the petitioner.

Hence, there is no scope of interference in the instant writ petition and, accordingly, W.P.A. No. 2391 of 2022 is dismissed along with the application, bearing C.A.N. 1 of 2022.

However, it is made clear that this order shall not preclude the petitioner from challenging the final order of assessment with regard to Plot No. 766, if not

already challenged, before the appellate authority under Section 127 of the Electricity Act, 2003.

However, if such a challenge is made, the same shall be subject to the law of limitation and will be decided in accordance with law and subject to the petitioner complying with the statutory condition of depositing fifty percent of the dues.

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.)