

AD. 13.
March 11, 2022.
MNS.

WPA No. 6326 of 2021

Smt. Suratannesa Bibi @ Suratnesa Bibi
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Arun Naksar

...for the petitioner.

Ms. Bandana Basu

...for the WBSEDCL.

Learned counsel for the petitioner submits that, despite having complied with all formalities, the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') has consistently refused to give electricity connection to the petitioner.

It is further submitted that the petitioner applied prior to other applicants, for electricity connection for her second 'submersible pump'. However, subsequent applications by others in the vicinity are being given preference over the petitioner's application, despite the settled law that the applications have to be processed on seniority basis.

It is further submitted that the other applicants, since they applied subsequent to the petitioner, are not entitled to get electricity connection.

Learned counsel for the petitioner cites the bar of 200 metres between two submersible pumps in supporting the petitioner's objection to the others getting such connection.

Learned counsel appearing for the WBSEDCL places reliance on the concerned circular, which indicates that only in critical and semi-critical areas, the bar of 200 metres is applicable. However, since the location of the petitioner's submersible pump, that is, Haripal within the District of Hooghly, does not fall within either the critical or semi-critical category, such bar is not applicable in the said location.

It is further submitted that the petitioner is merely seeking to prevent others from getting electricity connection. Even after the WBSEDCL raised a quotation, as is evident from the affidavit-in-opposition filed by the WBSEDCL, the petitioner herself wrote a letter to the WBSEDCL asking the WBSEDCL to withdraw its quotation, issued to her, on the ground that the petitioner was objecting to her neighbour, one Hossain Ali Mallick, taking electricity connection for the latter's pump within 200 metres from the petitioner's submersible pump.

It is evident from the materials on record that the petitioner has been blowing hot and cold on the issue of getting electricity connection.

Despite the petitioner having applied prior to the other applicants, even assuming the same to be

true, the petitioner's application lost its precedence in view of the petitioner's own subsequent letter dated March 5, 2019, whereby she specifically requested the WBSEDCL to take back its quotation, thereby giving a go-by to her own application for getting electricity connection for her second submersible pump.

On the other hand, the WBSEDCL has been successful in showing *prima facie* that the 200 metres bar is not applicable to the petitioner's case. Thus, there cannot be any valid basis of the petitioner objecting to the other applicants in the vicinity getting electricity connection. In any event, it has been rightly pointed out by the WBSEDCL that the petitioner's intention is primarily to object to the other getting electricity connection.

Although learned counsel for the petitioner, in reply, sought to impress upon the court that the communication by the petitioner to withdraw the quotation issued by the WBSEDCL was a mark of protest to the alleged unlawful activities of the WBSEDCL in giving electricity connection to others within 200 metres, such excuse cannot be accepted, in view of the fact that the petitioner is bound by waiver from placing reliance upon her own application for electricity connection, after having specifically written a letter to the WBSEDCL, of her own volition, to withdraw such quotation, thereby

waiving the application made by the petitioner herself.

As such, as on date, there is no pending application, which is valid in the eye of law, at the behest of the petitioner for getting electricity connection to her second submersible pump.

Moreover, since there is no bar of 200 metres in the locale, as rightly pointed out by the WBSEDCL, there cannot be any valid basis of the petitioner raising such objection or using the same as a tool of protest against the others in the vicinity getting electricity connection.

In such view of the matter, the writ petition fails.

Accordingly, WPA No. 6326 of 2021 is dismissed without any order as to costs.

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.)