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06.06.2022.
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 5725 of 2022

Nanda Dulal Chal

-vs.-

The West Bengal State
Electricity Distribution
Company Ltd. & Ors.

Mr. Bhagbat Chaudhuri,
Mr. Biswajit Ghosh
...for the petitioner

Mr. Jayanta Basu
...for the WBSEDCL

Affidavit-of-service filed in Court today be kept
on record.

Learned counsel appearing for the petitioner
contends that, despite having raised a quotation for
giving new electricity service connection (commercial) to
the petitioner, the Distribution Licensee did not give
such connection. When the petitioner approached the
Distribution Licensee with such grievance, he was
informed by the latter that way leave permission was
required, since one of the required electricity poles was
to be installed within the premises of the added private
respondent no. 4.

Subsequently, the petitioner communicated
with the Distribution Licensee on August 09, 2021

(Annexure P-4 at page 26 of the writ petition) requesting the Distribution Licensee to consider the relocation of the disputed electricity pole immediately outside the premises of the private respondent and, if necessary, to raise a new quotation expeditiously. However, no such quotation has subsequently been raised, nor has the connection been given to the petitioner.

Learned counsel appearing for the Distribution Licensee, that is, the WBSEDCL submits that the location of the electricity pole to be installed has not been earmarked or pointed out by the petitioner.

Be that as it may, since relocating the new electricity pole outside the premises of the private respondent no. 4 shall obviate the requirement of providing way leave permission from the private respondent, it would be a prudent course of action for the Distribution Licensee to relocate the electricity pole-in-question, if otherwise feasible.

The Distribution Company shall hold a prior inspection in the presence of the petitioner and, if necessary, of the private respondent to ascertain the exact location of the new pole which will be beyond the premises of the private respondent but convenient for the purpose of giving a new electricity connection to the petitioner.

Upon holding such inspection and ascertaining the relocated site, it will be open to the Distribution

Licensee to raise a fresh quotation within two weeks thereafter. Upon the petitioner complying with all formalities in that regard, the WBSEDCL shall give the electricity connection to the petitioner, subject to the petitioner complying with such formalities.

It is made clear that the inspection, as contemplated above, shall be conducted upon notice to all concerned by the WBSEDCL within a fortnight from date.

W.P.A. No. 5725 of 2022 is disposed of accordingly, without, however, any 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.)