

AD. 11.
January 31, 2022.
MNS.

(Through Video Conference)

WPA No. 8784 of 2021

Md. Burhan Ali Sk.

Vs.

The State of West Bengal,
Department of Power and Non-Conventional
Energy Sources and others

Mr. Uday Sankar Chattopadhyay,
Ms. Snigdha Saha,
Mr. Santanu Maji,
Mr. D. Chatterjee

...for the petitioner.

Mr. Soumyajit Chakraborty

...for the WBSEDCL.

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

Despite service, none appears on behalf of the
private respondent no. 7, although the West Bengal
State Electricity Distribution Company Limited (in short
'WBSEDCL') as well as the petitioner are represented
through counsel.

Learned counsel for the petitioner argues that
despite the specific written objections of the petitioner,
annexed at pages 22 and 23 of the writ petition, the
WBSEDCL is about to give an electric connection to the
private respondent no. 7.

Learned counsel for the WBSEDCL specifically
contends that, upon appropriate instruction, the

WBSEDCL could ascertain that there was no existing well within the prohibited distance, that is, 200 metres, from the location of the private respondent's existing submersible pump, where the proposed connection has been sought.

Learned counsel for the WBSEDCL further submits that previously a temporary connection was being enjoyed by the private respondent no. 7, which has been sought to be replaced by a permanent connection now.

Be that as it may, it appears from pages 22 and 23 of the writ petition that two specific written objections were served on the District Magistrate, Purba Burdwan and the Station Manager & A.E. of the WBSEDCL respectively. Such dispute ought to have been adjudicated by the District Magistrate prior to the proposed connection being actually given to the respondent no. 7 by the WBSEDCL.

In such view of the matter, WPA 8784 of 2021 is disposed of by directing the WBSEDCL to refer the dispute raised by the petitioner regarding an electric connection being given to the private respondent no. 7 within a week from date. Upon such reference being made, the District Magistrate shall decide such dispute as expeditiously, upon giving an opportunity of hearing to all interested parties, as possible, and intimate the outcome of his decision to the WBSEDCL and the interested parties at the earliest thereafter. Such

exercise shall be completed by the District Magistrate within four weeks from the reference being made.

The WBSEDCL shall not proceed on the application of the private respondent no. 7 and/or give a permanent electric connection to the private respondent no. 7 prior to such adjudication by the concerned District Magistrate.

However, this Court has not gone into the merits of the respective contentions of the parties as regards the entitlement of private respondent no. 7 to get an electric connection at the location-in-question.

It will be open to the District Magistrate concerned to decide the matter independently and in accordance with law, without being influenced by any of the observations made herein unnecessarily.

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.)