

19<sup>th</sup> May,  
2022  
(AK)  
05

**W.P.A 7697 of 2022**

Nirmal Kumar Sharma  
Vs.  
State of West Bengal and others

Mr. Swapan Banerjee  
Mr. Sangita Mitra  
Ms. Ankita Dey  
...for the petitioner.

Mr. Sujit Sankar Koley  
...for WBSEDCL.

Mr. Naba Kumar Das  
Mr. Subhabrata Das  
...for the State.

Learned counsel for the Distribution Licensee submits that the Distribution Licensee already started undertaking the work of giving an electricity connection to the petitioner, subsequent to the petitioner having complied with the formalities.

However, after two electricity poles were installed, while two more were still left to be installed, a written objection was filed by the local villagers to such connection being given over the narrow passage which is required to be used for giving such connection.

A copy of the said objection is handed over to the learned advocate appearing for the petitioner by his counterpart appearing for the WBSEDCL.

As per the relevant law, it is for the District Magistrate to decide on the dispute, if any, raised by way

of an objection to the giving of a new electricity connection to a proposed consumer.

Hence, WPA 7697 of 2022 is disposed of by directing the WBSSEDCL to refer the dispute, on the basis of the written objection filed against the petitioner's application for taking new electricity connection, before the concerned District Magistrate as early as possible, positively within a week from date.

Upon such reference being made, it is expected that the Magistrate shall decide the same as expeditiously as possible, preferably within six weeks from the date of reference and arrived at a decision on the said objection.

It is made clear that the respective rights and contentions of the petitioner and/or the objectors have not been considered on merits while disposing of the present writ petition and it will be open to the District Magistrate to decide on all relevant issues independently, without being influenced in any manner by any of the observations made herein.

It is further clarified that, depending on the outcome of the order of the District Magistrate, the parties will be at liberty to take adequate consequential steps.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

**(Sabyasachi Bhattacharyya, J.)**