

6th June,
2022
(AK)
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W.P.A 8515 of 2022

Abdus Selim Mondal and others
Vs.
The West Bengal State Electricity Transmission Co. Ltd.
and others

Mr. Bhagbat Chaudhuri
Ms. Mousumi Arji
...for the petitioners.

Mr. Sumit Ray
...for WBSETCL.

Mr. Srijan Nayak
...for the WBSEDCL.

Mr. Jishnu Chowdhury
Mr. Aritra Basu
Mr. P. Banerjee
...for the DVC.

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

Learned counsel for the petitioners argues that a plot of Bastu property, of which the petitioners are owners and was converted by the petitioners duly for making construction of a building, is being affected immensely loss due to the imminent efforts of the Transmission Licensee to take a high voltage electricity connection over such plot.

Learned counsel submits that the DVC has sought to take such high tension connection without taking any approval from the petitioners/owners.

It is contended that the DVC washed off its hands by a communication dated February 16, 2019 (Annexure-P4 at page-45 of the writ petition) and, as such, the West Bengal State Electricity Transmission Company Limited has been impleaded as respondents as well.

However, learned counsel appearing for the West Bengal State Electricity Transmission Company Limited as well as the Distribution Licensee submits that their clients having nothing to do with the dispute involved in the present writ petition.

Learned counsel appearing for the DVC, which is admittedly the Transmission Licensee which is taking the connection in question, submits that the communication from DVC, relied on by the petitioners, was only to the effect that the addressee of the letter of the petitioners was not the appropriate authority to decide such issue.

It is further contended that the DVC does not have any alternative route, than over the petitioners' plot of land, for taking the connection-in-question.

Moreover, since the work contemplated in the tender is for public utility, the DVC has acted within its legal authority in attempting to take such connection.

Alternatively, learned counsel for the petitioners submits that the petitioners are entitled to adequate damages in the event such damage is suffered by the petitioners due to the work of taking such heavy-duty connection over the petitioners' plot.

Upon hearing learned counsel for the parties, it is apparent that the DVC has been taking the transmission line for public utility purpose and has sufficient authority to do so.

Although the law provides that in case an objection is raised by the owners/occupiers, the Transmission Licensee shall either refer the same to the District Magistrate and/or consider the question of compensation, in view of the specific stand taken by the DVC in the present case that no alternative route is available, it would be a futile exercise to refer the matter unnecessarily to the District Magistrate, which will not enure to the benefit of any of the parties.

In such view of the matter, WPA 8515 of 2022 is disposed of by directing the Damodar Valley Corporation (DVC) to consider the adequate compensation, if any, payable to the petitioners for the damages which may be caused due to the high voltage connection being taken over the petitioners' plot of land.

Such assessment will be completed within a fortnight from conclusion of the work and the due compensation will be disbursed in favour of the petitioners, if the petitioners are so entitled, as expeditiously thereafter as possible.

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.)