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06.06.2022
TN

WPA No.8745 of 2022

Dwijendra Lal Pal
Vs.
West Bengal State Electricity Distribution
Company Limited (WBSEDCL) and others

Mr. Sanjib Bandyopadhyay,
Mr. Ashok Kr. Singh

.... for the petitioner

Mr. Mihir Kundu

.... for the WBSEDCL

Mr. Manas Kundu,
Mr. Debabrata Mondal

.... for the State

Affidavit-of-service and the track reports, which were uploaded subsequently, filed today, be kept on record.

Learned counsel for the petitioner contends that although the private respondent no.8 has sought electricity connection in the name of the private respondent in respect of an agricultural land, the same has been sought to be given by the Distribution Licensee, without taking any no objection from the adjacent owners, including the petitioner.

As such, the petitioner submitted a complaint in writing to the Station Manager (Customer Care Centre) WBSEDCL, but to no effect.

Learned counsel for the Distribution Licensee submits that, in view of an objection having been raised by the adjacent owners, the matter may be referred to the concerned District Magistrate.

Learned counsel appearing for the State files a police report, which be kept on record as well, indicating that a conversion of the land has already been duly made, due to which the objection that the land is agricultural is no longer tenable.

Be that as it may, since the Police are not the appropriate authority in law to decide the issue, and in view of the specific objection taken by the petitioner and other adjacent owners to the private respondent taking such new electricity connection, it would only be appropriate if the concerned District Magistrate, who is empowered under the law to do so, looks into the matter and comes to a decision in that regard.

Accordingly, WPA No.8745 of 2022 is disposed of by directing the WBSEDCL to refer the issue of objection raised by the petitioner and other adjacent owners, to the respondent no.8 taking a new electricity connection, as expeditiously as possible, preferably within three weeks from date. Upon such

reference being made, the concerned District Magistrate, upon giving adequate opportunity of hearing to all concerned, including the private respondent no.8, the petitioner and other objectors, shall decide the issue in accordance with law, preferably within six weeks from the date of such reference. The merits of the respective contentions of the parties shall be independently decided by the concerned District Magistrate without being influenced in any manner by any of the observations made herein.

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.)