

09.06.2022

Court No.32
rpan/05

FMA 2164 of 2016

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IA No.: CAN 1 of 2016 (Old No.: CAN 4413 of 2016)

Sri Susanta Sardar

- Versus -

**The West Bengal State Electricity
Distribution Co. Ltd. & Others**

Mr. Bratin Kumar Dey
... for the Appellant.
Mr. Srijan Nayak,
Ms. Rituparna Maitra
... for the WBSEDCL

The present appeal has been preferred against an order dated 16th March, 2016 passed in W. P. 25034 (W) of 2015.

Records reveal that in the said writ petition, the writ petitioner/appellant herein challenged an order dated 27th March, 2015 passed by the Divisional Manager, Kharagpur (D) Division, West Bengal Electricity Distribution Company Limited (in short, WBSEDCL).

Upon considering the arguments, as advanced, by the parties and the contents of the order impugned, the learned single Judge did not interfere with the same and dismissed the writ petition.

Mr. Dey, learned advocate appearing for the appellant submits that all the grievances, as ventilated by the appellant though the representation dated 24th December, 2013, were not considered by

the said Divisional Manager of WBSEDCL and his order dated 27th March, 2015 was a cryptic one. In view thereof, the learned Judge ought to have interfered with the said order.

Mr. Nayak, learned advocate appearing for the WBSEDCL denies the contention of the appellant and submits that there is no infirmity in the order impugned in the present appeal.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The learned single Judge rightly did not interfere with the order impugned in the writ petition. We do not find any patent error in the order passed in the writ petition and as such, no interference is called for in the present appeal.

In paragraph 5 of the order dated 27th March, 2015 the Divisional Manager has *inter alia* observed:

'However, Station Manager, Madpur CCC is further ordered to make a joint inspection along with the petitioner within 15 days of receipt of this order to ascertain the techno commercial feasibility study of the shifting of pole. Only on compliance of formalities, as per norms of WBSEDCL, by the petitioner, the work of shifting of pole may be taken up.'

Needless to observe, the above direction of the Divisional Manager shall now be complied with by the Station Manager, Madpur CCC.

It is also made clear that in the event the pole cannot be shifted, the appellant would be at liberty to approach the competent authority for payment of compensation, if otherwise entitled to and in accordance with law.

With the above observations and directions, the appeal, being FMA 2164 of 2016 and the stay application, being IA No.: CAN 1 of 2016 (Old No.: CAN 4413 of 2016) are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)