

AD. 23.
July 5, 2022.
MNS.

WPA No. 9159 of 2022

Lutfar Rahaman
Vs.
The Adani Power (Jharkhand) Limited and others

Mr. Robiul Islam,
Mr. Asif Iqbal
...for the petitioner.

Mr. Jishnu Saha,
Mr. Anuj Singh,
Mr. Siddhartha Roy,
Mr. Aman Agarwal,
Ms. Trinisha De,
Ms. Niharika Singh
...for the respondent nos. 1 and 2.

Mr. Amitabh Shukla
...for the respondent no. 3.

Ms. Kanika Gupta
...for the respondent no. 6.

Mr. Ziaul Haque,
Mr. Habibur Rahaman
...for the respondent no. 11.

Learned counsel for the petitioner contends that the petitioner is the owner of an orchard, over which the respondent no. 1, the Transmission Company, has been installing Overhead Transmission Line (OTL) and related apparatus, for the purpose of taking electricity supply to Bangladesh.

It is submitted by learned counsel for the petitioner that the petitioner did not have any prior

notice of such action on the part of the respondent no. 1. In the absence of either requisition or acquisition of the petitioner's property and/or grant of proper compensation to the petitioner, it is submitted that the said transmission line could not be taken over the petitioner's property.

Learned counsel appearing for the respondent no. 1, in his usual fairness, submits that it is well-settled that in the event any person suffers from any damage to his premises due to such transmission line being taken or connected apparatus being installed, the said person is entitled to due compensation as assessed in accordance with law.

Within the periphery of the Regulations framed by the West Bengal Electricity Regulatory Commission (WBERC), it is the prerogative and the power of the concerned District Magistrate to decide the disputes in respect of compensation.

Appreciating the fair stand taken by the respondent no. 1, WPA No. 9159 of 2022 is disposed of by granting liberty to the petitioner to approach the respondent no. 5, that is, the District Magistrate, District- Murshidabad, with the claims as made in the writ petition in respect of adequate damages or compensation for any adverse effect which the petitioner's property might have suffered due to installation of the transmission line of the respondent no. 1, if not already approached.

In the event any such approach has been made or is made, the respondent no. 5 shall decide on the same, in accordance with law and upon giving adequate opportunity of representation/hearing to all concerned, including the petitioner and the respondent no. 1, and decide the compensation, if any, payable to the petitioner by the Transmission Company. Such exercise shall be completed by the respondent no. 5 as expeditiously as possible, preferably within eight weeks from this date.

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.)