

M/L. 38.
August 3, 2022.
MNS.

WPA No. 11076 of 2022

Gopal Das
Vs.
The Chairman, West Bengal State
Electricity Distribution Company Limited and others

Mr. Bapin Baidya
...for the petitioner.

Mr. Kanak Kiran Bandopadhyay
...for the WBSEDCL.

Mr. Sufi Kamal,
Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal
...for the respondent nos. 5 and 6.

Mr. Debajyoti Deb,
Mr. Partha Pramanick
...for the respondent no. 7.

Mr. Hemanta Kumar Das
...for the respondent no. 8.

Learned counsel for the petitioner contends that, due to unwarranted objection of the private respondents, no high tension electricity line can be given in overhead mode to the petitioner, since twelve additional electricity poles are to be installed, out of which installation of at least three poles have been disputed by the private respondents.

Learned counsel appearing for the private respondents submits that in the event high tension line is taken over the proposed route, it will cause electrical hazard and other difficulties with regard to safety of the inhabitants of the neighbourhood, including the petitioner and “de-value” the property of the private respondents.

Learned counsel appearing for the respondent no. 7-Prodhan contends that the Prodhan does not have a personal interest in the matter, but since installation of a high tension overhead line in the region may cause safety issues, since it will then be taken immediately adjacent to a running school and be hazardous for the students therein, the Prodhan had to take up the cudgel on behalf of the local people of the area.

Three alternative suggestions are given by learned counsel appearing for the Prodhan, on instruction. First, that the overhead line may be taken over some other route. Secondly, that it will be taken underground and the third, that like the existing low tension line over the same area, if the high tension line can be taken with cable cover, it would probably solve the issue for the children of the school.

Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) hands up a copy of a reply of the WBSEDCL with regard to the objection raised by the Prodhan, which is kept on record. The said reply dated May 20, 2022 reflects that the WBSEDCL has clearly specified their stand that the objection could not be sustained by them, since there is no other legal impediment to give the connection over the proposed route, apart from the objection of the private respondents.

Upon considering the submissions of the parties, it is clear that a factual dispute subsists with regard to the feasibility and safety hazards apprehended by the people in the neighbourhood, including the private respondents, in the event the high tension connection is taken overhead for the petitioner over the proposed route. However, since the petitioner has a right to get electricity connection under Section 43 of the Electricity Act, 2003, the matter ought to be resolved between the parties on a factual appreciation of the available materials.

Hence, WPA No. 11076 of 2022 is disposed of by directing the WBSEDCL to refer

the objections taken by the private respondent and any other person, if any, to the electricity connection being given to the petitioner over the proposed route, to the concerned District Magistrate of the area.

If so referred, the District Magistrate shall, upon giving adequate hearing to all concerned, including the petitioner and the private respondents as well as the WBSEDCL, decide the same in accordance with law as expeditiously as possible, preferably within eight weeks from the date of reference.

It is made clear that the merits of the objections and the rebuttal thereto by the petitioner have not been gone into in any manner by this Court and it will be open to the District Magistrate to decide all the issues independently.

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.)