

3rd January,
2021
(AK)
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W.P.A 13366 of 2021

Subrata Kumar Samanta
Vs.
The State of West Bengal and others

(Via Video Conference)

Mr. Abhinaba Dan
...for the petitioner.

Mr. Sujit Sankar Koley
...for the WBSEDCL.

Mr. Gourav Das
...for the State.

The grievance of the petitioner is that the Distribution Company has failed to disconnect the electric supply taken via an electric pole situated in the middle of the petitioner's plot of land, as indicated in Annexure P3 at Page-24 of the writ petition.

Learned counsel for the petitioner argues that despite having acceded to the petitioner's request for shifting the connection and a new electric pole having been installed at the edge of the petitioner's land, the Distribution Company has not yet shifted the connection.

Learned counsel for the Distribution Company submits that the connection given over the electric pole-in-question is a High Tension Line and cannot be readily shifted.

In the event such shifting is to be effected, huge expenses are involved. In the event the direction is given

to shift, it is for the petitioner, at whose behest the shifting is being done, to deposit entire costs for such shifting as well as to accommodate such new connection over a different plot of land.

In the present case, the electric connection was taken about three years back. Since the petitioner has not approached any competent authority for compensation in the meantime, there is no scope for reopening such avenue for the petitioner at this belated juncture.

As far as the shifting of electric line is concerned, the Distribution Company is justified in arguing that the petitioner has to pay all expenses as well as to provide the alternative land where the new electric meter will be installed in the event the shifting is effected.

The allegation that a new electric pole has already been installed at an alternative location is neither here nor there, since the Distribution Company takes a specific stand that it is not feasible technically to take the connection over the new electric post, if any.

In any event, there is ample power vested in the Distribution Company under Section 164 of the Electricity Act, akin to the Telegraph Authorities, to install electric poles and take necessary action in respect of any property in the event it is not possible to take the electric connection in-question over an alternative passage.

Hence, in the present writ petition, there is no scope of interference by the writ court. However, it is made clear that it will be open to the petitioner to approach the

Distribution Company with a formal application for shifting the electric pole and the petitioner, in such event, should be ready and willing to deposit the entire shifting charges and to provide the alternative land for installation of a new electric pole.

In the event such formalities are complied with by the petitioner and the Distribution Company, on an inspection, is of the opinion that it is technically feasible to shift the connection as indicated above, the Distribution Company shall shift such connection upon compliance with such formalities.

WPA 13366 of 2021 is disposed of in terms of the above observations.

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.)