

AD-06
Ct No.09
06.09.2022
TN

WPA No. 12522 of 2022

Sri Sanjit Bag
Vs.
West Bengal State Electricity Distribution
Company Limited (WBSEDCL) and another

Mr. Raj Kumar Sain

.... for the petitioner

Mr. S.S. Koley

.... for the WBSEDCL

Learned counsel for the petitioner contends that although, initially, a new electricity connection was given to the petitioner from the main electric pole in the locality, immediately thereafter, within about two days, the same was shifted to a sub-pole.

It is submitted that such shifting is creating difficulties for the petitioner because the sub-pole is not capable of bearing the load.

Learned counsel appearing for the WBSEDCL submits that it is the engineers of the WBSEDCL, who are the experts on the matter and, although it was erroneously given at the initial point of time from the main electricity pole, subsequently it was shifted to another pole, which is much nearer to the locale where the connection is given. It is further contended that the expression “sub-pole” does not correctly

define the pole where the connection has now been given, since it is a newly installed electricity pole.

It is further contended by the WBSEDCL that in the meantime an objection to the electricity connection being given to the petitioner from the main electricity pole has been given by a third party.

Be that as it may, since the WBSEDCL is taking a specific stand that it would be more feasible technically to shift the connection to the new electricity pole, including the fact that an objection has now been raised by a third party to the further shifting as sought in the writ petition, the matter is required to be decided by the concerned District Magistrate.

Accordingly, WPA No. 12522 of 2022 is disposed of by granting liberty to the petitioner to refer the dispute to the concerned District Magistrate.

If so referred, it will be open to the District Magistrate to give opportunity of hearing to all the interested parties, including the petitioner, the WBSEDCL and the objector(s), if any.

Upon such hearing being given, the Magistrate shall decide the issue in accordance with law as expeditiously as possible, preferably within eight weeks from the date of such reference being made.

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.)