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22.02.2022
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WPA No.17909 of 2021

Najma Roy
Vs.
West Bengal State Electricity Distribution
Company Limited and others

(Via Video Conference)

Mr. Sanjay Mukherjee,
Mr. Dhananjay Nayak
.... for the petitioner

Mr. Amitabh Shukla,
Mr. Prakash Ch. Pandey
.... for the WBSEDCL

Ms. Sayanti Sengupta
.... for the respondent no.12

Mr. Saunak Bhattacharya,
Mr. Sounak Mondal
.... for the respondent no.13

Learned counsel for the Distribution Licensee reiterates that the petitioner had agreed, by her previous letter dated July 14, 2021, that she would be bearing the entire expenses for shifting of the electric connection from over the land of the petitioner, where the petitioner is apparently going to construct a medical facility, which would be charitable in nature. It is submitted that the petitioner is now seeking to

resile from such position when the Distribution Licensee and the petitioner have ultimately reached a probable solution for such shifting.

Learned counsel for the petitioner, by specifically referring to several communications subsequently made by the petitioner to the Distribution Licensee (which are annexed to the writ petition), contends that due to the negligence of the Distribution Licensee and the previous precarious location of the electric connection, the petitioner and her acquaintances and relatives have suffered serious injuries.

It is, thus, submitted that, in the absence of the Distribution Licensee producing any valid document to show that the connection had been given in accordance with law in the first place, the petitioner ought not to be compelled to bear the expenses for such shifting.

However, since ultimately the cost of shifting has become a bone of contention between the petitioner and the Distribution Licensee, although the said parties have agreed upon a possible alternative route for the connection to be shifted, the matter goes beyond the jurisdiction of the writ court in view of the specific provisions in the extant Regulations framed by the WBERC, which mandate that such disputes are to

be resolved by the concerned Grievance Redressal Officer (GRO).

As such, since no effective resolution of the disputes can be arrived at within the limited scope of the writ jurisdiction, WPA No.17909 of 2021 is disposed of by granting the petitioner liberty to approach the concerned GRO at the earliest, to have the disputes regarding the quantum of shifting charges, if payable by the petitioner for the purpose of shifting the electric connection of the private respondents, resolved.

Although, in principle, an agreement was reached between the petitioner and the Distribution Licensee regarding the alternative location of the connection, in view of the disputes having arisen, the matter cannot be disposed of conclusively at the present moment.

However, it will be open to all concerned to debate/discuss the alternative routes for shifting, if any, before the GRO and as regards the liability of the petitioner and the quantum, if any, payable as shifting charges, if at all.

Upon being so approached, the concerned GRO shall decide on the disputes in accordance with law, upon giving adequate opportunity of hearing to all the interested parties as expeditiously as possible,

preferably within five weeks from the date of such reference to the GRO.

It is made clear that this court has not entered into the question of the respective rights and contentions of the parties in any manner and it will be open to the petitioner to pursue all legal measures that are available to the petitioner both in respect of compensation and/or the other grievances of the petitioner, if any.

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.)