

7th February,
2022
(AK)
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W.P.A 18037 of 2021

Anukul Majhi
Vs.
The Chairman, West Bengal State Electricity Distribution
Company Limited and others

(Via Video Conference)

Mr. Sandip Mandal
...for the petitioner.

Mr. Sujit Sankar Koley
...for WBSEDCL.

Learned counsel for the petitioner submits that due to resistance being put up by the private respondent no.10 and on various pretexts, the Distribution Licensee has not yet given a new electric connection to the petitioner, despite the petitioner having deposited all necessary dues as per assessment of the Distribution Licensee and an electric pole already existing in the location.

Learned counsel appearing for the Distribution Licensee submits that due to the specific objection taken by respondent no.10, who is allegedly the owner of the premises adjacent to the petitioner and by certain other persons of the locality, such connection could not be given till date by the Distribution Licensee.

Despite service, none appears for the respondent no.10, although the petitioner and the Distribution Licensee are represented through counsel.

In view of the specific dispute raised by respondent no.10 and in view of the submission of the Distribution Licensee that, apparently, private respondent no.10 is the owner of the adjacent plot and claims to suffer inconvenience in the event the proposed electric connection is given to the petitioner, it would only be appropriate in law that the matter is referred to the concerned District Magistrate for adjudication on the dispute.

Accordingly, WPA 18037 of 2021 is disposed of by directing the Distribution Licensee, that is, the WBSEDCL, to refer the dispute raised by the respondent no.10 and others, to the application of the petitioner for taking electric connection in his own name, to the concerned District Magistrate at the earliest, preferably within one week from date.

Upon such reference, the said District Magistrate shall decide the dispute upon giving an opportunity of hearing to both sides and in accordance with law as soon as possible thereafter, preferably within four weeks from the date of reference.

The parties as well as the District Magistrate, upon such reference, shall act on the written communication of the learned Advocates for the parties, coupled with server

copy of this order, without insisting upon prior production of a certified copy for the purpose of compliance of the order.

It is made clear that the issue of entitlement to and quantum of compensation, as claimed by the petitioner, shall also be dealt with in accordance with law by the District Magistrate while deciding upon the objection taken by the private respondent.

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.)