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25.01.2022
TN

WPA No.19900 of 2021

Narayan Chandra Jana
Vs.
West Bengal State Electricity Distribution
Company Limited and others

(Via Video Conference)

Mr. Soumen Dutta,
Mr. Subhadeep Chatterjee

.... for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra

.... for the WBSEDCL

Mr. Kapil Chandra Sahoo,
Mr. Kartik Das

.... for the private respondent

Learned counsel for the petitioner contends that the private respondent is seeking to get electric connection as per the private respondent's application for such purpose from the distribution licensee, thereby flouting the statutory restrictions regarding the requisite mandatory distance between the two submersible pumps situated adjacently and in violation of the extant Regulations governing ground water resources.

Learned counsel for the private respondent disputes such contention and submits that the private

respondent has taken all steps to comply with the statutory restrictions.

Learned counsel for the distribution licensee, on the other hand, contends that a SWID certificate has to be mandatorily produced prior to any connection being given in the area.

It is evident from the submissions of the parties that the distribution licensee, in principle, has no objection in giving electric connection to the private respondent subject to compliance of all formalities, including production of a SWID certificate and maintaining the statutory distance by the private respondent.

The petitioner has a point regarding the necessity of the private respondent/applicant to act in consonance with the restrictions regarding the distance of the proposed submersible pump of the private respondent from the adjacent/nearest submersible pump. The purpose of justice, as such, would be sub-served in the event connection is given to the private respondent subject to compliance of all such formalities.

Accordingly, WPA No.19900 of 2021 is disposed of by directing the West Bengal State Electricity Distribution Company Limited (for short “the WBSEDCL”) to give the new electric connection as per

the application of the private respondent, subject to the private respondent maintaining the statutory norms regarding the restriction as to the distance between the pump of the private respondent where the electricity is to be supplied and the adjacent pump of the petitioner and other nearby consumers and subject to production of an appropriate SWID certificate obtained from the appropriate ground water authorities with regard to such connection. The distribution licensee shall give such connection within a week from compliance of all formalities, as indicated above and otherwise, by the private respondent.

In the event any obstruction is raised even upon such compliance, it will be open to the distribution licensee personnel to approach the nearest police station. Upon such approach being made, the police shall give necessary police assistance in that regard to the WBSEDCL personnel at the cost of 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.)