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25.01.2022
TN

WPA No.19906 of 2021
IA No: CAN 1 of 2022

Subrata 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. Sudipta Dasgupta

....for the private respondent

When the matter is called on for hearing, a report in the form of written instructions is filed by learned counsel for the distribution licensee, which indicates that the existing submersible connection of the petitioner is at a distance of around 205 meters from the proposed submersible pump of the private respondent Smt. Aparna Bera.

Learned counsel appearing for the petitioner contends, by placing reliance on two judgments of this

court, that Section 43 of the Electricity Act, 2003 is subject to Section 7 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 and, as such, without any certificate of clearance from the ground water authorities, no electric supply can be given for operating a submersible pump.

It is further argued that, although the mentioned distance in the report of the distribution licensee is 205 meters, the effective distance at which the water will be supplied, if the new connection is given to the private respondent, falls within a 200-meter radius of the petitioner's pump. As such, it is contended that the electric connection as sought by the private respondent ought not to be given by the distribution licensee.

Learned counsel appearing for the private respondent contends that, based on the findings in the report of the distribution licensee, there cannot be any bar to giving electric connection to the petitioner subject to compliance of other formalities.

It is evident from the report that the specific stand of the distribution licensee is that there is a distance of about 205 meters between the petitioner's and the private respondent's submersible pumps. As such, *prima facie* there is no bar in giving such

connection, of course, subject to compliance of other formalities, including the production of a certificate, as statutorily mandated, from the ground water management authorities.

In such view of the matter, WPA No.19906 of 2021 is disposed of by directing the West Bengal State Electricity Distribution Company Limited to give new electric connection to the private respondent Smt. Aparna Bera subject to the private respondent complying with all other formalities, including the production of a certificate from the relevant ground water authorities in that regard. In the event such formalities are complied with by the private respondent and the necessary costs are deposited, the distribution licensee shall give electric connection within a week thereafter.

In the event of any obstruction being given to the Distribution Company personnel in giving such connection even after all formalities are complied with by the private respondent, from any quarter, including from the petitioner and/or his men and agents, it will be open to the Distribution Company personnel to approach the respondent no.5, the Inspector-in-Charge, Egra Police Station for necessary police assistance. If so approached, the respondent no.5

shall provide necessary police assistance at the cost of the private respondent/applicant.

IA No: CAN 1 of 2022 is also disposed of accordingly.

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.)