

29th September,
2022
(AK)
06

W.P.A 21642 of 2022

Amit Agarwal (HUF)
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Anuj Singh
Mr. Aman Agarwal
Ms. Trinisha De
Ms. Niharika Singh

...for the petitioner.

Mr. Sumit Kumar Panja
Mr. Sumit Ray

...for the WBSEDCL.

Learned counsel for the petitioner contends that despite a specific order of this court to restore the electricity connection of the petitioner, the Distribution Licensee gave a written communication to the petitioner, annexed at page-148 of the writ petition, indicating that during a proposed joint inspection, the petitioner should submit a “No Objection” Certificate from the police authority and Department of Fire and Emergency Services, Government of West Bengal during the inspection.

By a subsequent communication by the Distribution Licensee, annexed at page-163 of the writ petition, it was indicated by the Station Manager of the Jagadishpur CCC of the WBSEDCL that during inspection no such “No

Objection” Certificate was produced by the petitioner or his representative.

As such, the WBSEDCL insisted upon production of such No Objection Certificates from the police authority as well as the Department of Fire.

However, learned counsel appearing for the Distribution Licensee, in his usual fairness, submits that there will be no hindrance in restoring the electricity connection of the petitioner.

It is further submitted that in view of the current damaged condition of the premises, only one unit can be restored.

Upon a perusal of the communications of the WBSEDCL, I find nothing in the law to substantiate such claim of the WBSEDCL for submission of a “No Objection” Certificate of any sort either from the police authority and/or the Department of Fire and Emergency Services, Government of West Bengal.

Nothing has been shown from the end of the WBSEDCL or referred to in its said letter to indicate as to what prompted the WBSEDCL to insist upon such extraneous conditions for restoring the electricity connection of the petitioner, despite the specific order of this court.

In any event, the petitioner has annexed a police report to the writ petition, which indicates that there was

no negligence on the part of the petitioner in the fire which had broken out at the premises-in-question.

At internal page-12 of the said report (running page-160 of the writ petition), the report records that all fire fighting measures necessary to prevent any fire of the raw materials stored by the accused person (the petitioner) to avoid any probable danger to human life were duly taken by the petitioner.

Hence, I do not find any reason or justification for the unnecessary insistence of the distribution licensee upon production of a “No Objection” Certificate as done by the WBSEDCL, which is also not substantiated by the WBSEDCL by any cogent law on the subject.

Hence, it is expected that the WBSEDCL shall immediately restore the electricity connection of the petitioner in due compliance of the order of this court, without setting up any further pretext for not doing so.

Such reconnection shall be given by the WBSEDCL as expeditiously as possible, positively within a fortnight from date, with regard to Consumer ID No. 13212264.

WPA 21642 of 2022 is, accordingly, disposed of.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)