

9th November,
2022
(AK)
05

W.P.A 22631 of 2022

Nantu Pramanik
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Rafiqul Islam
Ms. Manika Sarkar
...for the petitioner.

Mr. Sumit Ray
...for the WBSEDCL.

Affidavit-of-service filed in court today be kept on record.

Despite service, none appears for the private respondent when the matter is called on for hearing.

Although an adjournment is sought on behalf of the WBSEDCL, since the matter is extremely urgent in view of the nature thereof, no such adjournment is granted.

Learned counsel for the petitioner points out that the WBSEDCL, despite the petitioner having applied for such purpose, could not get access to the electricity connection for the purpose of restoring the electricity supply of the petitioner, which was damaged due to the 'Amphan' storm, due to resistance by the private respondent.

It is submitted that the private respondent has no *locus standi*, being the brother of the petitioner, in so

objecting and, as such, no 'Way Leave' permission is required.

Upon hearing learned counsel, it transpires from the records that the WBSEDCL is willing in principle to restore the electricity supply of the petitioner.

Moreover, the petitioner had been enjoying such connection previously and merely because it was damaged due to reasons beyond the control of the parties by reason of natural calamity, the WBSEDCL was not justified in insisting upon further production of 'Way Leave Certificate' for effecting necessary repair and restoration of the connection.

The petitioner, as the consumer, has a right to get such restoration.

Hence, WPA 22631 of 2022 is disposed of by directing the WBSEDCL to restore the electricity supply of the petitioner upon effecting whatever repairs are required to be done for such purpose, irrespective of any 'Way Leave Certificate' being produced by the petitioner.

In the event the WBSEDCL personnel are obstructed in doing so, the Officer-in-Charge of the Duttapukur Police Station shall grant adequate police assistance, on the WBSEDCL asking for the same, at the cost of the petitioner to effect such necessary repairs and restore the petitioner's electricity connection.

Since, despite service, the private respondent chooses not to appear today, the matter has been taken up *ex parte* in the absence of the private respondent.

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.)