

AD-12
Ct No.09
19.12.2022
TN

WPA No. 27368 of 2022

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

Mr. Soumen Dutta,
Mr. Sabyasachi Bhattacharjee
.... for the petitioner

Mr. Kanak Kiran Bandyopadhyay
.... for the WBSEDCL

Affidavit-of-service filed in court today be kept on record. Despite service, none appears for the private respondent.

In view of the innocuous nature of the order proposed to be passed, further service on the private respondent is dispensed with.

The petitioner submits that the private respondent has obtained electricity connection for operating his submersible pump within the restricted zone, that is, 200 meters radius from the submersible pump being operated by the petitioner. As such, the petitioner, seeking disconnection of the same and necessary enquiry in that regard, gave a representation to the West Bengal State Electricity Distribution Company Limited (WBSEDCL) on

November 21, 2022, which has not been decided as yet.

Learned counsel for the WBSEDCL submits that the Distribution Licensee is required to undertake a proper enquiry/inspection to ascertain the veracity of the petitioner's claims.

Hence, WPA No. 27368 of 2022 is disposed of by directing the WBSEDCL to hold an inspection and/or enquiry, as deemed fit by the WBSEDCL, in order to assess and ascertain the veracity of the allegations made in the representation of the petitioner dated November 21, 2022 (Annexure P2 at page-12 of the present writ petition).

It is made clear that in the event the WBSEDCL, as an outcome of the enquiry, is required to take any adverse steps against the private respondent, the WBSEDCL shall give prior notice to the private respondent and give an opportunity of hearing to the private respondent, if so required, prior to taking such adverse steps against the private respondent.

This court, however, has not gone into the merits of the allegations made in the representation of the petitioner and all such issues will be decided duly by the authorities in accordance with law.

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.)