

AD-13
Ct No.09
19.12.2022
TN

WPA No. 27546 of 2022

Purnima Mondal
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani,
Ms. Ankita Giri

.... for the petitioner

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

.... for the WBSEDCL

Mr. Biswarup Biswas,
Mr. Gora Chand Samanta

.... for the private respondent no.5

Learned counsel for the petitioner contends that the petitioner had obtained an order from a coordinate Bench of this court directing the West Bengal State Electricity Distribution Company Limited (WBSEDCL) to take a decision in accordance with law in respect of the petitioner's representation for the purpose of affixing a concrete/permanent pole in place of the temporary wooden pole, through which at present electricity connection is being given to the petitioner.

It is submitted that subsequently the private respondent had also taken out a writ petition challenging the route over which the electricity

connection is coming to the petitioner's property, which was dismissed.

As such, it is submitted that the WBSEDCL may immediately replace the temporary wooden structure acting as an electricity pole for the petitioner with a permanent pillar.

Learned counsel appearing for the WBSEDCL submits that the WBSEDCL, in principle, does not have any objection to do so. However, since it is being done at the behest of the petitioner, the costs are required to be borne by the petitioner.

Learned counsel appearing for the private respondent submits that the previous writ petition of the private respondent had been dismissed only on the ground that this court does not have jurisdiction and the private respondent was relegated to the appropriate authority where the dispute is still pending. It is further submitted that the private respondent has objection to the petitioner taking the connection over the private respondent's property, which the petitioner is at present doing.

At this, learned counsel for the petitioner controverts such allegations of the private respondent and also submits, on instruction, that the petitioner is agreeable to bear the costs for such permanent installation being made.

Upon hearing learned counsel, WPA No. 27546 of 2022 is disposed of by directing the WBSEDCL to replace the current wooden electricity pole from which the electricity supply has been given to the petitioner with a concrete/permanent electricity pole at the cost of the petitioner. Quotation for such purpose shall be raised by the WBSEDCL and communicated to the petitioner as expeditiously as possible, preferably within three weeks from date. Upon such amount being deposited by the petitioner, the WBSEDCL shall replace the pillar upon doing the necessary work as expeditiously as possible, positively within one month from the petitioner having complied with the formalities, including the deposit of the quotation amount.

It is, however, made clear that the said replacement shall not, in any manner, affect the right and/or interest of the private respondent in any proceeding, pending or to be filed before any forum of law.

While making the installation permanent, the WBSEDCL shall not change the course of the route over which such connection has been given at present. However, the entire replacement will be subject to the outcome of the challenge pending at the behest of the private respondent with regard to the

alleged encroachment of the private respondent's property by the petitioner.

This court has not entered into the merits of such allegations and counter-allegations between the parties in any manner whatsoever.

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.)