

23rd December,
2022
(AK)
05

W.P.A 27788 of 2022

Sudip Mudi
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta
Mr. Arpayan Mukherjee
...for the petitioner.

Mr. Debanjan Mukherjee
...for the WBSEDCL.

Mr. Gazi Faruque Hossen
Ms. Priyanka Mondal
...for the respondent nos.5 & 6.

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

Learned counsel for the petitioner submits that due to resistance by the private respondents, the WBSEDCL could not give electricity supply to the petitioner for operating a submersible pump.

Learned counsel appearing for the WBSEDCL submits that despite several attempts after raising due quotation, the WBSEDCL could not give such connection since several poles are to be erected for the purpose of giving the connection to the petitioner, apart from other technical formalities, which was resisted by the private respondents.

It is further submitted that even apart from the private respondents, there are other objectors who gave objections in writing.

Learned counsel appearing for the private respondents submits that the application for electricity connection made by the petitioner does not disclose any specific location where the submersible pump is to be installed.

That apart, it is contended that if the proposed electricity poles are to be installed, it would directly and detrimentally affect the interest of the private respondents and other objectors.

In such view of the matter, as envisaged in the Indian Telegraph Act, the dispute is required to be resolved by the concerned District Magistrate.

Hence, WPA 27788 of 2022 is disposed of by granting liberty to the petitioner to lodge a complaint before the appropriate District Magistrate having territorial jurisdiction.

If so approached, the said District Magistrate shall, upon adequate notice and opportunity of hearing to all the objectors, the petitioner and the WBSEDCL, decide the issues on the basis of materials produced before the Magistrate and pass a reasoned order on adjudicating the matter-in-dispute.

The entire exercise, it is expected, shall be concluded by the Magistrate within eight weeks from the date of the reference being made by the petitioner.

The learned advocate appearing for the WBSEDCL shall give the names and particulars of all the objectors to his counterpart appearing for the writ petitioner on or before January 3, 2023 to enable the writ petitioner to disclose such details before the District Magistrate.

It is made clear that all questions and objections are kept open to be decided independently by the District Magistrate.

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.)