

29.11.2022
Court No.2
Item No.71
Cp

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

WPA 2634 of 2022

Paritosh Sarkar & ors.

Vs.

**The West Bengal State Electricity Transmission
Company Limited Ors.**

Mr. Rajarshi Chatterjee

Mr. Debjit Sarkar

... For the Petitioners.

Mr. Sudipta Kanta Bhowmik

Mr. Anirban Banerjee

....For the respondent no.2.

The petitioners have preferred this application alleging that the West Bengal State Electricity Transmission Company Limited had started making arrangements for laying transmission lines over certain plots of land in respect of which the petitioners claim right, title and interest. According to the petitioners, adequate compensation has not been paid. Reliance has been placed on a circular issued by the Ministry of Power, Government of India, dated October 15, 2015. It is submitted that the damages as stipulated in Sections 67 and 68 of the Electricity Act, 2003 read with Section 10 and Section 16 of

the Indian Telegraph Act, 1885, provide the nature of compensation that shall be given to the persons whose lands shall be utilized for transmission lines.

It is submitted that although poles have been erected on the lands, no compensation for use of the land has been paid.

Mr. Bhowmik, learned advocate for the respondent no. 2, denies the allegation. He has handed over records to show that each of the petitioners have been paid adequate compensation. He also submits that the petitioners have given their 'No Objection' for installation of the transmission lines.

The writ petition is lacking in material particulars. It is not clear whether the lands have also been utilized for erection of poles or not. Whether the petitioners are required to be compensated only for the crops or for the land as well, in terms of the circular mentioned hereinabove, is a matter to be determined by the concerned District Magistrate.

Such exercise can only be done if each of the petitioners approach the District Magistrate with details of their allegations and with supporting documents, to substantiate their claim.

As the petitioners have already been granted compensation as estimated by the authority, there is no question of stopping the work. The public project must go on. The issue of adequate compensation is a question which will be decided by the authority once each of the petitioners approach the authority separately, with details of their allegations as directed hereinabove.

If such approach is made, the same shall be disposed of upon making an inspection with regard to the nature and extent of the installation and user of land. A report shall be prepared. The report shall be handed over to the petitioners. An opportunity of hearing shall be given to the petitioners and a representative of the transmission company.

Upon completion of hearing, reasoned orders shall be passed in respect of each claimant and communicated to all concerned, separately.

The entire exercise shall be completed within a period of six months from the date of receipt of the application of each of the petitioners. If it is found that the amount paid by the transmission company was inadequate, the shortfall will be paid upon determination by the District Magistrate.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)