

AD-14&15
Ct No.09
18.08.2023
TN

CPAN 695 of 2023
in
WPA No. 4168 of 2023

Sujit Sarkar
Vs.
Mr. Faruk Sk., the Station Manager, Gazole Customer
Care Centre, WBSEDCL

Mr. Md. Kutubuddin
.... for the petitioner

Ms. Suvasree Ghose
.... for the WBSEDCL

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

The petitioner alleges that the West Bengal State Electricity Distribution Company Limited (WBSEDCL), despite a specific order dated March 14, 2023 passed in WPA No. 4168 of 2023, is not giving electricity connection to the petitioner, although the petitioner has already complied with formalities upon a quotation being raised by the WBSEDCL.

Learned counsel for the alleged contemnor submits that upon inspection, it was detected that it is not techno economically feasible to give the connection to the petitioner. Learned counsel places reliance on Regulation 57 of the West Bengal Electricity Regulatory Commission (WBERC) in such context, which envisages that in certain cases, if the

Distribution Licensee is of the opinion that it is not technically feasible, upon holding necessary enquiry, to give such connection, it may refuse to give such connection.

It is further argued by the alleged contemnor that the local villagers are giving resistance to the electricity connection being given to the petitioner.

A perusal of the order dated March 14, 2023 indicates that learned counsel for the WBSEDCL had filed a report, upon holding an inspection, which was opened in court and indicated that there was no impediment in giving an electricity connection to the petitioner at that juncture.

Accordingly, the WBSEDCL was directed to issue a quotation to the petitioner within a week from date indicating necessary expenses. Upon such quotation, the petitioner was to comply and thereafter, the WBSEDCL was to give the new electricity connection.

The WBSEDCL, despite having held an inspection and choosing to file a report, did not mention about the point of techno economic feasibility at all, as reflected from the order itself. Hence, after having taken such a stand that there is no impediment and having raised quotation and the petitioner having complied with the same, it does not

lie in the mouth of the WBSEDCL to plead non-techno economic feasibility at this belated stage.

Insofar as the resistance by third parties is concerned, there is nothing on record to indicate that such resistance was cited at the relevant juncture by the WBSEDCL.

In fact, even if subsequently somebody raises an objection, it is always open to the WBSEDCL to approach nearest police station for adequate police assistance, which is to be granted by the said police station at the cost of the proposed consumer.

Having not done so, the alleged contemnor is *prima facie* in contempt. However, prior to taking the extreme measure of issuing a Rule of Contempt, the WBSEDCL, including the alleged contemnor, is given a last chance to comply with the order of this court by giving electricity connection to the petitioner.

It is made clear that in the event any obstruction is raised, it will be open to the WBSEDCL to approach the nearest police station for adequate police assistance, which will be given by the said police station at the cost of the petitioner.

A compliance report shall be filed by the WBSEDCL on the next returnable date, upon giving the connection to the petitioner in the meantime in the light of the above observations.

The matter shall next be listed on September 08, 2023, fairly at the top of the list, for passing orders.

(Sabyasachi Bhattacharyya, J.)