

AD-11
Ct No.09
14.03.2023
TN

WPA No. 4564 of 2023

Ashwini Maity
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Sakya Maity,
Mr. Ranjan Kumar Mahapatra
.... for the petitioner

Mr. Debjit Mukherjee
.... for the WBSEDCL

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

Learned counsel for the petitioner contends that within seventy-eight meters, that is, within the statutory minimum of 200 meters distance from the petitioner's submersible pump, an electricity connection has been given by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) to the private respondent for operating the latter's pump for commercial purpose, in violation of the prevailing rules and regulations. It is further submitted that no SWID certificate was produced by the private respondent at the juncture of taking such connection, although the extant regulations provide for production of such certificate. Thereby, it is

contended that the petitioner's livelihood is being hampered due to suction of the water in the vicinity of the petitioner's land by the commercial pump of the private respondent.

Learned counsel appearing for the WBSEDCL controverts such allegations and submits that an electricity connection was given to the private respondent in a different Dag number (plot number) than the one as alleged by the petitioner. As such, the writ petition, it is submitted, has been filed on incorrect allegations.

Be that as it may, it transpires that although the petitioner initially apprehended installation of a pump by the private respondent in a different Dag, ultimately, a connection has been given but within the same Mouza as that of the petitioner, although allegedly in a different Dag number. However, there is nothing on record to indicate as to whether the statutory stipulations of 200 meters distance and production of SWID certificate were complied with by the private respondent at the juncture of giving electricity connection to the private respondent by the WBSEDCL. In any event, the petitioner has given representations to that effect to the WBSEDCL, which have not been dealt with by the WBSEDCL as yet. The purpose of justice would be sub-served in the

event the WBSEDCL gives an opportunity of hearing to the petitioner as well as the private respondent and comes to a specific conclusion in accordance with law on the representation of the petitioner in the above regard.

Hence, WPA No. 4564 of 2023 is disposed of by directing the WBSEDCL to hear out and consider the representation of the petitioner dated January 06, 2023 (Annexure-P/5 at page-29 of the writ petition) containing the allegations with regard to the alleged irregularities of giving electricity connection to the private respondent, upon giving prior notice to both the petitioner and the private respondent and upon giving an opportunity of hearing and production of documents, if necessary, to the said parties. Such exercise shall be completed by the WBSEDCL as expeditiously as possible, positively within four weeks from date.

After coming to a conclusion on the said representation after giving such opportunity of hearing, the WBSEDCL shall communicate the outcome of the consideration to the petitioner as well as the private respondent as expeditiously thereafter as possible.

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.)