

AD-15
Ct No.09
20.03.2023
TN

WPA No. 5563 of 2023

Nemai Roy
Vs.
The Calcutta Electric Supply Corporation Limited
and others

Ms. Joyita Roy,
Mr. Saikat Shaha Banik
.... for the petitioner

Mr. Om Narayan Rai,
Ms. Sumouli Sarkar
.... for the CESC Limited

Learned counsel for the petitioner contends that the petitioner, at his costs, had an electricity pole installed on his property. However, electricity connections are being given to others over/through the same without taking any leave or consent from the petitioner.

Despite attempt to serve having been made, as the copies were sent on the private respondents on March 03, 2023, none appears for the private respondents at the time of call. The affidavit-of-service filed today be kept on record.

Learned counsel for the CESC Limited contends that the pole was installed at least 20-25 years back and caters to electricity connections of others along with both the petitioner and the private respondents.

It is further submitted that the gadgets and equipment used for giving electricity supply belong to the licensee and are not the personal property of any particular individual.

Upon hearing learned counsel for the parties, who are present today, it is clear that the contentions of the CESC Limited are justified inasmuch as the individual, on whose plot of land an electricity pole is installed, cannot claim individual right or interest over the electricity pole itself and/or the wiring to be taken via the said electricity pole, unless there is an imminent safety hazard, in which case the licensee has a duty under the law to maintain adequate safety standards. In the present case, however, no such allegation, as regards the safety norms not being maintained, has been made out.

The only grievance of the petitioner is that consent ought to be sought from the petitioner on every occasion when the electricity pole is used to give electricity connection to other people than the petitioner. Such a prayer is not sanctioned by law. As rightly contended by the CESC Limited, the electricity pole and the right to give electricity connection through the same belongs exclusively to the Distribution Licensee, that is, the CESC Limited and the individual cannot claim a right of prior notice

on every occasion when the same is used for giving electricity connection to somebody else.

As such, there is no scope of interference in the present writ petition.

Accordingly, WPA No. 5563 of 2023 is dismissed without any order as to costs. However, nothing in this order shall preclude the petitioner from approaching the CESC Limited with a proper application/representation in the event any safety hazard or norms are violated, in the perception of the petitioner, from the end of the CESC Limited. If such a dispute is raised, the CESC Limited shall look into the same.

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.)