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26.04.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 7451 of 2023

Daud Ali Khan & Anr.

-vs.-

The West Bengal State Electricity
Distribution Company Ltd. & Ors.

Mr. Mohinoor Rahaman,
Mr. Sk Abumusa
...for the petitioners

Mr. Srijan Nayak,
Ms. Rituparna Maitra
...for the WBSEDCL

Mr. Sumit Kumar Panja,
Mr. Sumit Ray
...for the WBSETCL

The present writ petition has arisen from the prayer of the writ petitioners, who are allegedly the owners of the land, over which a high-tension electricity connection is sought to be taken by the West Bengal State Electricity Transmission Company Limited (WBSETCL).

Learned counsel appearing for the WBSETCL submits that the said connection is being sought to be taken for public utility purposes and shall serve several people in the neighbourhood and elsewhere.

Upon hearing learned counsel for the parties, it is seen that the scope of the present writ petition is very limited inasmuch the WBSETCL, the

transmission licensee, has the power under Section 10 of the Indian Telegraph Act, 1885, read with Section 164 of the Electricity Act, 2003, to lay cables and lines over any property, subject, of course, to payment of compensation.

Under Section 16 of the same Act, even if a dispute arises regarding the quantum of assessment, it will be open to the parties to move the concerned District Judge for resolution of such dispute.

In such view of the matter, W.P.A. No. 7451 of 2023 is disposed of by directing the WBSETCL, upon completion of the work but within a month thereafter, to give opportunity of hearing to the petitioners and other affected parties and, thereafter, to assess the compensation payable to the petitioners, if any, in accordance with law.

It is expected that such compensation will be disbursed at the earliest thereafter.

In the event the petitioners have any grievance regarding the quantum of assessment made or otherwise regarding the order of assessment, it will be open to the petitioners to approach the concerned District Judge having territorial jurisdiction over such dispute.

If so approached, the same will be decided in accordance with law.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)