

14.09.2023
PB
Sl. No.34.

WPA 12473 of 2023

M/s. A. N. Beverages
Vs
West Bengal State Electricity
Distribution Company Ltd. & Ors.

Mr. Debabrata Sardar.
... For the petitioner.
Mr. Sandip Mandal.
.....For the WBSEDCL.
Mr. Lutful Haque,
Ms. Taharima Khatun,
Mr. Gazi Faruque,
Ms. Priyanka Mondal.
.....for the respondent no.8 & 9.

Heard learned advocates appearing for the parties.

By this writ petition, petitioner has asked for relief of direction upon the electricity authority concerned to instal new transformer for enhancement of electricity load at the premises in question.

Learned advocate appearing for the private respondent submits that the land on which petitioner is seeking for installation of new transformer belongs to it while the learned advocate for the petitioner submits that the premises in question belongs to the petitioner by way of deed of gift from his mother.

Learned advocate for the respondent electricity authority submits that in such type of cases where the

ownership and title of a premises on which any meter or transformer is to be installed is disputed, appropriate authority to adjudicate such dispute is the District Magistrate or Commissioner of Police or other authorities described under the first proviso to Rule 3 of the Works of Licensees Rules, 2006.

Considering the facts and circumstances of the case, I am of the considered view that since the disputed question of title and possession with regard to the plot of land over which the transformer is to be installed for enhancement of electricity is involved, this writ court in exercise of its constitutional writ jurisdiction cannot go into such disputed questions of fact and decide anyone's title or ownership over the land and the appropriate authority as per the aforesaid proviso should first decide such dispute.

Considering the facts and circumstances of the case and submission of the parties, this writ petition being WPA 12473 of 2023 is disposed of by granting liberty to the petitioner to make appropriate representation under the aforesaid proviso of Rules, 2006, within two weeks from date and such appropriate authority within four weeks from the date of receipt of such representation shall consider and dispose of such representation by taking a final decision in accordance with law and by passing a

reasoned and speaking order after giving an opportunity of hearing to the petitioner, private respondents and the electricity authority.

(Md. Nizamuddin, J.)