

D/L. 7.
July 18, 2023.
MNS.

WPA No. 14903 of 2023

Asit Patra
Vs.
The State of West Bengal and others

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
Mr. Abhirup Halder

... for the petitioner.

Mr. Sanat Kumar Biswas

...for the State.

Mr. Kanak Kiran Bandyopadhyay

...for the WBSEDCL.

Mr. B. P. Mondal,
Mr. Sukanta Mondal

...for the respondent nos. 7 to 9.

Learned counsel for the petitioner reiterates the petitioner's submission that the petitioner is not getting electricity connection despite having applied for the same.

A report is filed by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) today, supported by an affidavit, which indicates that there is a possible route, which has been identified, upon a joint inspection having been held.

However, it is submitted that the private respondents are opposing the stringing of the poles, which are installed for the purpose of giving such electricity connection.

Learned counsel for the private respondents submits that the private respondents have no objection whatsoever to the electricity connection being given to the petitioner.

However, the said private respondents reiterate that it is others, who are objecting to such connection being given, who have not been impleaded as parties in the present writ petition.

Learned counsel for the private respondents further submits that they are agreeable to giving such connection over their suggested route.

However, learned counsel appearing for the WBSEDCL, in unambiguous terms, submits that no such alternative route was indicated by the private respondents at the time of joint inspection.

Moreover, there is nothing on record to indicate that any third person to the writ petition has filed any written objection to the electricity connection being given to the petitioner.

Since the WBSEDCL has already identified a viable route for giving connection to the petitioner, there cannot be any reason to curtail the right of the petitioner under Section 43 of the Electricity Act, 2003 (2003 Act) in giving such connection to the petitioner.

Accordingly, WPA No. 14903 of 2023 is disposed of by directing the WBSEDCL to give electricity connection to the petitioner over the route suggested by the WBSEDCL, upon installation of the required electricity poles for such purpose and doing all necessary acts to enable such connection to be given within four weeks from date, or after compliance of all formalities by the petitioner, whichever is later.

If any obstruction is raised from any quarter by the private respondents and/or their men and agents, the WBSEDCL personnel will be at liberty to approach the respondent no. 6, that is, the Officer-in-Charge, Bishnupur Police Station, who will give adequate police assistance to comply with the direction by this Court, at the costs of the petitioner.

The WBSEDCL, however, has not yet paid the costs as directed by the earlier order of this Court.

Although the writ petition has been disposed of, the matter shall be listed under the heading 'To be mentioned' day-after-tomorrow (on 20.07.2023) for the purpose of ascertaining whether the costs have been duly paid, by the deponent of the report filed today by the WBSEDCL, from his own pocket by that time.

In the event such payment is not made to the petitioner by an A/c payee cheque, issued by the said deponent to the petitioner, necessary further orders shall be passed against the said deponent.

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.)