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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 15901 of 2023

Kalachand Roy

Vs.

The Chairman of West Bengal
State Electricity Distribution
Company Limited & Ors.

Mr. Subhas Chandra Atha,
Ms. Payel Paramanik
...for the petitioner

Mr. Asif Dewan
...for the WBSEDCL

Learned counsel for the petitioner submits that the private respondent has installed a submersible pump within the prohibited zone of 200 meters from the petitioner's submersible pump, the latter having been installed earlier.

The West Bengal State Electricity Distribution Company Limited (WBSEDCL) initially gave a temporary connection, and is now attempting to give a permanent electricity connection to the private respondent's unauthorized submersible pump, for which a representation was given by the petitioner. However, the respondent-authorities have not decided on the same as yet.

Learned counsel appearing for the petitioner hands over a photocopy of a no-objection for power

connection to the applicant's submersible pump installed in a shallow tubewell in white areas of Bardhaman District, which indicates that WBSEB would follow the guidelines issued by the Hon'ble Justice Satya Brata Sinha in giving power connection to applicant. It is further mentioned that the certificate is issued according to the guidelines embodied in W.P. No. 15246(W) of 1998 dated 18.9.98 of this Court.

Learned counsel appearing for the WBSEDCL, on the other hand, places reliance on a list of blocks categorized as critical and semi-critical zones in the District of Purba Bardhaman. As per the said chart, there are five semi-critical blocks and one critical block within Purba Bardhaman. It is submitted that the zone, in which the disputed submersible pumps are located, do not fall within any of the said blocks. As such, the minimum requirement of leaving 200 meter distance is not applicable.

Be that as it may, the applicability of the norms relied on by the petitioner as well as whether the zone concerned is covered under semi-critical or critical classification, are required to be gone into on facts by the respondent-authorities. Since the representation has been given by the petitioner on December 27, 2022 to the WBSEDCL in that

regard, any observation on the merits of the said representation shall prejudice the issue, which may be to the detriment to either of the parties.

Accordingly, W.P.A. No. 15901 of 2023 is disposed of by directing the WBSEDCL to decide the representation dated December 27, 2022 (Annexure P-6 at page 20 of the writ petition) in accordance with law, upon giving opportunity of hearing to the petitioner and upon giving liberty to all concerned to produce relevant papers, if necessary, and decide the issue in accordance with law by passing a reasoned order, as expeditiously as possible, preferably within six weeks from date.

The WBSEDCL shall, upon such decision being taken, communicate the same to the petitioner and the private respondent.

The documents filed in court today be kept on record.

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.)