

AD-15
Ct No.09
27.07.2023
TN

WPA No. 17209 of 2023

Smt. Mithu Kanji Bera
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Chittapriya Ghosh,
Mr. Kuntal Roy,
Ms. Priyanka Saha

.... for the petitioner

Dr. Madhusudan Saha Roy

.... for the WBSEDCL

Learned counsel for the petitioner argues that the order dated September 18, 2017 passed by a coordinate Bench of this court in W.P. 24118 (W) of 2017, directing the Assistant Electrical Engineer, Sarisha Customer Care Centre of the WBSEDCL to take up the representation filed by the petitioner and consider the same, was not complied with. It is admitted by learned counsel for the petitioner that the same was not duly pursued by the petitioner.

The present writ petition is innocuous and seeks a compliance of the said direction of the coordinate Bench by the WBSEDCL, by considering the same and arriving at a decision.

Learned counsel for the WBSEDCL hands over two communications to the petitioner, purportedly made on March 10, 2021 and July 21, 2023. The

copies of the same, handed over in court today, be kept on record. Copies thereof are also handed over to learned counsel for the petitioner.

The first of such communications, of the year 2021, indicates that the installation-in-question, of which a shifting is sought by the petitioner, has not violated any electrical safety norms and does not create any obstruction to the free ingress and egress to the petitioner's premises.

The second communication purports to have complied with the order of the coordinate Bench and the petitioner's prayer has been refused by the same. Thus, in view of the said communications, it is evident that the cause of action of the present writ petition was infructuous *ab initio*, in view of the order of the coordinate Bench having already been complied with by a consideration of the representation of the petitioner and refusal of the same.

However, since the petitioner submits, upon obtaining a copy of the same today, that the petitioner has further grievance against such disposal of the petitioner's representation, the petitioner will be at liberty to prefer a fresh challenge to the same. However, the said challenge cannot be contemplated within the scope of the present writ petition, which is a still-born challenge.

Accordingly, WPA No. 17209 of 2023 is disposed of, with liberty to the petitioner to challenge the adjudication by the WBSEDCL on the representation of the petitioner, as communicated on July 21, 2023, if the petitioner is aggrieved by the same, before the appropriate authority or by way of a fresh writ petition, whichever is maintainable.

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.)