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21.12.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 23085 of 2023

Nupur Paramanik
Vs.
The West Bengal State Electricity
Distribution Company Limited & Ors.

Ms. Juin Dutta Chakraborty,
Mr. Bidan Modak
...for the petitioner

Ms. Suvasree Ghose
...for the WBSEDCL

Mr. Satyam Mukherjee
...for the State

1. The report filed by the Distribution Licensee today be kept on record.
2. Despite service, none appears for the private respondent.
3. Affidavit of service filed today be kept on record.
4. The report of the Distribution Licensee is rather contradictory. Although the West Bengal State Electricity Distribution Company Limited (WBSEDCL) has said in the report that the poles, which are to be erected to give electricity connection to the petitioner, are to be erected on Panchayat property, in the same breath, a Way-Leave Certificate has been sought from the petitioner. Such Way-Leave Certificate, if the poles are to be erected on public land, is utterly

unnecessary and the WBSEDCL could not have insisted upon the same.

5. In any event, under the Works of Licensees Rules, 2006, it is the duty of the WBSEDCL to take appropriate steps, if necessary by taking permission from the District Magistrate or the Commissioner of Police, as the case may be, to give electricity connection to an applicant.

6. In such view of the matter, the private respondent's objection cannot be sustained.

7. Hence, W.P.A. No. 23085 of 2023 is allowed, directing the WBSEDCL to give electricity connection to the petitioner, subject to the petitioner complying with all due formalities in that regard, as expeditiously as possible, positively within December 31, 2023.

8. In the event any objection is raised from any quarter, including the private respondent, it will be open to the WBSEDCL personnel to approach the respondent no. 3, that is, the Officer-in-Charge, Bauria Police Station, for adequate police assistance.

9. If so approached, the respondent no. 3 shall give such assistance by acting on a server copy of this order, at the cost of the petitioner.

10. It is made clear that in the event any third party has any subsequent objection after the

connection is given to the petitioner, it will be open to such parties to approach the appropriate forum in law to thrash out such dispute.

11. There will be no order as to costs.

12. 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.)