

AD-10
Ct No.09
17.10.2023
TN

WPA No. 23556 of 2023

Kajal Tudu
Vs.
West Bengal State Electricity Distribution Co. Ltd.
and others

Mr. Debabrata Saha Roy,
Mr. Pingal Bhattacharyya,
Mr. Neil Basu,
Mr. Sankha Biswas

.... for the petitioner

Mr. Sujit Sankar Koley

.... for the WBSEDCL

Mr. Avirup Mondal,
Mr. Satyam Mukherjee

.... for the State

- 1.** Despite service, none appears for the PWD.
- 2.** Learned counsel for the petitioner contends that the petitioner undertook to take an A site retail outlet dealership from IOCL. For such purpose, the petitioner took all steps, including execution of a lease deed pertaining to the land which was also provided by the petitioner.
- 3.** As per the A site scheme, the IOCL, that is, the Oil Company has to provide the infrastructure. The IOCL, being agreeable to do so, applied *inter alia* for electricity connection. Subsequently, it transpired that Way Leave permission was insisted upon by the West Bengal State

Electricity Distribution Company Limited (WBSEDCL). There was further exercise undertaken jointly between the parties and ultimately it boiled down to the fact that for giving the connection, cables had to be taken over the Champadanga-Dankuni road.

4. For such purpose, there were internal inter-department communications of the PWD which indicated that there was no further hindrance apart from technicalities in providing the consent by the PWD to take such line over the said road.
5. Heard learned counsel for the present parties.
6. It transpires that neither the IOCL nor the WBSEDCL have any objection to the electricity connection being given to the site-in-question for the petitioner to commence business. The petitioner's right to earn the livelihood under Article 19 of the Constitution of India is being squarely hit due to the unnecessary delay on the part of the PWD.
7. Hence, WPA No. 23556 of 2023 is disposed of by directing the respondent no.7 to take immediate steps to issue a no objection/permission for the WBSEDCL to take electricity connection over the Champadanga-Dankuni road for the purpose of electrifying the site of the petitioner at the behest

of the IOCL. Such Way Leave certificate shall, upon compliance of other due liabilities in law, be issued at the earliest, positively by November 30, 2023.

- 8.** Immediately after such no objection being issued, the Distribution Licensee shall take adequate steps for issuance of a quotation in favour of the IOCL, to enable the IOCL to make due payments for the petitioner to commence business on the property.
- 9.** Parties shall act on the server copy of this order without insisting upon prior production of a certified copy of this order.
- 10.** The report filed by the State be kept on record.
- 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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)