

AD-06
Ct No.09
28.02.2024
TN

WPA No. 812 of 2024

Sitaram Mondal
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Sitaram Mondal

.... petitioner in person

Dr. Madhusudan Saha Roy

.... for the WBSEDCL

- 1.** A report is filed by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) in compliance of the previous direction of this court. It transpires from the report that for shifting the two poles-in-question to the alternative location identified by the WBSEDCL, a cost of Rs. 22,500/- is required to be paid by the petitioner. Moreover, the petitioner is required to obtain a 'no objection certificate' from the owners of the concerned plot.
- 2.** The petitioner, appearing in person with the leave of court, submits that he agrees to such proposal. However, it is extremely difficult to obtain 'no objection certificate' from the concerned land owners adjacent to the alternative location, since there are several co-owners who, in any event, did not have any objection when

two other poles were erected on the same property.

3. Although no other pole is seen from the photographs annexed to the report of the WBSEDCL, in view of the difficulty of the petitioner in getting the 'no objection certificate' as expressed in court, we are to note that no objection has been raised till date at the time of or after the inspection.
4. Accordingly, the WBSEDCL, subject to compliance with other due formalities by the petitioner apart from furnishing 'no objection certificate', shall put up a public notice regarding the shifting of pole. If, thereafter, somebody comes up with an objection, the WBSEDCL shall take necessary steps under Rule 3 of the Works of Licensees Rules, 2006 (for short "the 2006 Rules")
5. Accordingly, WPA No. 812 of 2024 is disposed of by directing the WBSEDCL to raise a quotation to the petitioner intimating the cost to the tune of Rs. 22,500/- for the shifting proposed by the petitioner. Upon the petitioner complying with such formalities, the WBSEDCL shall put up a public notice indicating such shifting, leaving at least a fortnight's time between the date of the notice and the shifting work being actually done.

Thereafter, in the event any objection comes up, the WBSEDCL shall take recourse to Rule 3 of the 2006 Rules for such shifting.

- 6.** In the event there is no objection, however, the WBSEDCL shall complete the shifting work within a week after the said fortnight's time is over.
- 7.** It is made clear that the WBSEDCL shall not insist upon production of a 'no objection certificate' by the petitioner for such shifting work but resort to the Rules as indicated above.
- 8.** The report filed by learned counsel for the WBSEDCL today be kept on record.
- 9.** There will be no order as to costs.
- 10.** 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.)