

ML 74
23.04.2024
Court. No. 19
GB

C.O. 356 of 2024

Debabrata Sarkar & Anr.
Vs.
The West Bengal State Electricity
Transmission Co. Ltd. & Ors.

Mr. Abhishek Halder,
Mr. Swadesh Misra,
Ms. Madhurima Basu

...for the Petitioners.

The revisional application arises out of an order dated December 1, 2023, passed by the learned District Judge-in-Charge, Dakshin Dinajpur at Balurghat (Additional District Judge, 1st Court).

By the order impugned, the learned court returned the plaint under Order 7 Rule 10 of the Code of Civil Procedure, inter alia, holding that O.C. Suit No. 04 of 2023 could not be entertained as the same was not a suit under Section 16 (3) of the Indian Telegraph Act, 1885 (hereinafter referred to as the 'said Act'). The plaintiff did not raise a dispute as to insufficiency or inadequacy of compensation awarded by the transmission company. Section 16(3) of the said Act provided that only if there was a complaint with regard to the quantum of compensation, such dispute could be raised before the learned District Judge.

The learned court was of the opinion that the suit was famed as a regular suit for a claim of Rs.30,878,500/- along with 18% interest per annum, etc. The suit was for compensation which was in the nature of money claim. Thus,

the court directed that the suit should be filed before the appropriate civil court having pecuniary jurisdiction, as the learned District Judge did not have jurisdiction to entertain such suit.

Admittedly, no compensation was determined. Rather, the transmission company found that the petitioners were not entitled to any compensation at all.

The order impugned is an appealable order. The petitioners are at liberty to prefer an appeal from the said order in accordance with law. However, the right of the petitioners to approach the writ court challenging the decision of the Chief Engineer, Malda Field Zonal Office, passed under Section 10(d) of the said Act is also kept open.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)