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28.03.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 5671 of 2024

Sk. Ahammad Ali
Vs.
The WBSEDCL & Ors.

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder,
Ms. Neha Singh
... for the petitioner

Mr. Debjit Mukherjee
...for the WBSEDCL

1. Learned counsel for the petitioner submits that the petitioner sought for an electricity connection to operate his submersible pump, which was given by the WBSEDCL (West Bengal State Electricity Distribution Company Limited), but via a bamboo pole, which is temporary in nature.
2. The petitioner subsequently approached the concerned Grievance Redressal Officer (GRO), who directed to convert the temporary bamboo structure to a permanent infrastructure with PCC poles and matching materials within a maximum period of two months from the date of issue of the order. However, such connection is not being given by the WBSEDCL.

3. Learned counsel for the WBSEDCL hands over a copy of a communication made by the petitioner himself indicating that there was obstruction on the part of several third parties regarding installation of electricity pole.

4. It is submitted that the said obstructers claim that the poles are sought to be installed over their property, to which they have objection.

5. A perusal of the order of the GRO indicates that the chapter regarding giving electricity connection to the petitioner is already closed and cannot be reopened now. Moreover, the petitioner is already enjoying a temporary electricity connection through a bamboo structure and the GRO has merely directed the same to be given the colour a permanence.

6. If the WBSEDCL personnel are obstructed by any third party while giving such connection, it is always open to the WBSEDCL, as a Distribution Company, to take recourse to Rule 3 of the Works of Licensees Rules, 2006.

7. In such view of the matter, W.P.A. No. 5671 of 2024 is disposed of by directing the WBSEDCL to immediately comply with the order of the GRO, Murshidabad Region, annexed at page 14 of the writ petition, by converting the temporary bamboo structure to a permanent infrastructure with PCC

poles with matching materials for giving permanent electricity connection to the petitioner.

8. Such connection shall be given within a fortnight from date.

9. In the event any obstruction is faced by the WBSEDCL personnel in doing so, it will be open to the WBSEDCL to approach the concerned District Magistrate under Rule 3 of the Works of Licensees Rules, 2006 for appropriate permission.

10. In case such an approach is made, the concerned District Magistrate, it is expected, shall resolve the issue within a period of three weeks thereafter.

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.)