

AD-26
Ct No.09
09.04.2024
TN

WPA No. 6740 of 2024

Bankim Roy
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Mr. Md Kutubuddin

.... for the petitioner

Mr. Debjit Mukherjee

.... for the WBSEDCL

1. Affidavit-of-service filed today be kept on record.
2. Learned counsel for the petitioner submits that the petitioner applied for electricity connection in December, 2023 for operating his submersible pump and has not yet been supplied the same.
3. Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) points out that as per the representation dated February 17, 2024 annexed at page-19 of the writ petition, the previous application was defective, for which the application has to be treated to be of February, 2024 only.
4. The impediment in giving electricity supply is that there are surrounding agricultural lands over which cultivation is going on. As per Clause 4 of Regulation 57 of the West Bengal Electricity Regulatory Commission (WBERC), the connection is to be given in such cases within 180 days from the date of application.

5. That apart, learned counsel contends that the petitioner has failed to produce 'way leave certificates' from the surrounding land owners.
6. Upon hearing learned counsel for the parties, it appears that cultivation is indeed going on in the surrounding areas of the petitioner's plot. More importantly, the petitioner is not able to bring 'way leave certificate'. The law in that regard is provided in Rule 3 of the Works of Licensees Rules, 2006 which mandates the Distribution Licensee to approach the concerned District Magistrate or Commissioner of Police, as the case may be, for permission to undertake work on land for the purpose of giving electricity connection if any landowner raises objection to such work.
7. There is no reason why the same recourse cannot be adopted in the present case as well.
8. Accordingly, WPA No. 6740 of 2024 is disposed of by directing the WBSEDCL to approach the concerned District Magistrate having territorial jurisdiction under Rule 3 of the Works of Licensees Rules, 2006 for permission to install the required number of electricity poles in order to give the electricity connection to the petitioner.
9. While deciding such issue, the District Magistrate shall also take into consideration as to whether and how far the outer limit of 180 days shall be applied, taking into consideration whether the surrounding territory is

agricultural land where cultivation is going on and how long it may take for such cultivation to culminate.

- 10.** Such an approach to the District Magistrate shall be made by the WBSEDCL within a fortnight from date. Upon such approach being made, the concerned District Magistrate shall, if necessary, upon giving opportunity of hearing to all concerned, decide the said issue at the earliest, preferably within four 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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)