

23rd April,
2024
(AK)
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W.P.A 7842 of 2024

Anumans Constructions Pvt. Ltd.
Vs.
State of West Bengal and others

Mr. Srijib Chakraborty
Ms. Rupsa Sreemani
...for the petitioner.

Ms. Sonal Sinha
Ms. Munmun Ganguly
Ms. Shabnam Farooqui
...for the State.

Mr. Srijan Nayak
Mrs. Rituparna Maitra
...for the WBSEDCL.

Mr. Rajendra Chaturvedi
...for the respondent no.6.

Mr. A. Mookherji
Mr. Prithish Chandra
...for the added respondent.

1. Affidavit-of-service filed in court today be kept on record.
2. The photograph filed in court today on behalf of the added respondent be kept on record.
3. Learned counsel for the petitioner contends that the petitioner sought a service connection for getting electricity supply to his premises.
4. Although a quotation was raised, a transformer was required to be installed for giving such electricity.

5. The petitioner obtained permission from the local municipality, issued by the Chairman of the Rishra Municipality, for installation of such transformer on municipal land, subject to normal movement of vehicles and pedestrians not being disturbed.
6. However, due to obstruction created by the added respondent, who is an ex-Councillor of the locality, the installation could not be completed.
7. Learned counsel for the added respondent relies on the photograph filed by him to contend that the footpath in the vicinity has been dug up for installation of the transformer.
8. It is submitted that by installation of the transformer, the local shopkeepers shall be affected financially.
9. It is contended that the added respondent has only taken up the cudgel for such shop owners and people in the vicinity.
10. Learned counsel for the added respondent further submits that the WBSEDCL may explore alternative locations for installing the transformer.
11. Upon a perusal of the documents, it is clear that the Rishra Municipality, which is the local municipality, granted permission for installation of the transformer on municipal property.

12. As such, the added respondent, as ex-Councillor, does not have any *locus standi* to put up an obstruction to the same.
13. It is to be noted that there is no obstruction raised by the local shopkeepers which is worth taking note of within the contemplation of law.
14. In any event, the installation is being made on municipal property and as such, in the event the shopkeepers have any grievance regarding the ingress and egress to their properties being disrupted, the shopkeepers always have the avenue open to approach the competent civil court in that regard.
15. It is clear from the photograph that the digging work has already been done and as such the transformer should be installed at the earliest in order to avoid further public inconvenience.
16. However, it is to be ensured that the WBSEDCL installs the transformer keeping in view safety measures as contemplated in law and the WBERC Regulations, taking into account the concerns of safety and hazards in the locality while so installing.
17. Accordingly, WPA 7842 of 2024 is disposed of by directing the WBSEDCL to install the transformer within a week from date.

18. The WBSEDCL shall, while so installing, ensure that due safety measures are taken into consideration insofar as the people in the neighbourhood are concerned.
19. Moreover, the WBSEDCL shall continue to ensure, even after the installation, that the transformer does not pose a public hazard in any manner in the vicinity and maintenance work is duly done.
20. Upon such transformer being installed, the WBSEDCL shall, within a further week thereafter, give electricity connection to the petitioner.
21. In the event the WBSEDCL faces any obstruction, it will be open to them to approach the Officer-in-Charge of the Rishra Police Station, that is, respondent no.7 for police assistance which will be granted by the respondent no.7, by acting on a server copy of this order, at the cost of the petitioner.
22. It is made clear that nothing in this order shall preclude the private respondents and/or any other persons in the locality from lodging complaints in the event it is seen that the transformer, when installed, does not adhere to safety norms and legal regulations.
23. There will be no order as to costs.

24. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)