

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 8108 of 2024

Jahir Hosen
Vs.
The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Md. Kutubuddin
...for the petitioner

Mr. Kanak Kiran Badyopadhyay
...for the WBSEDCL

1. Learned counsel for the petitioner submits that the petitioner sought a new electricity connection to operate his submersible pump. However, the same was not given by the WBSEDCL, prompting the petitioner to file the present writ petition.
2. Learned counsel for the WBSEDCL submits that no way-leave permission has been obtained by the petitioner, although several electricity poles, approximately seven, are to be installed for giving connection to the petitioner, which are required to be affixed on adjoining lands where cultivation is going on.
3. The provisions of Rule 3 of the Works of Licensees Rules, 2006 provide that in the event in doing any work, the Distribution Licensee faces any obstacle, it will be open for the said

licensee to take permission from the concerned District Magistrate, alternatively Commissioner of Police, as the case may be. Hence, there is no reason why the same procedure cannot be resorted to by the WBSEDCL in the present case as well.

4. Accordingly, WPA No. 8108 of 2024 is disposed of by directing the WBSEDCL to approach the concerned District Magistrate having territorial jurisdiction in the area, within a fortnight from date for permission to install electricity poles for giving electricity connection to the petitioner.
5. It is made clear that if such an approach is made, the District Magistrate shall give opportunity of hearing to all interested parties and decide the issues in accordance with law, positively within six weeks thereafter.
6. It is also clarified that while so considering, the District Magistrate shall take into account the extant provisions of the WBERC Regulations which provide that if cultivation is going on, an outer limit of 180 days is permissible for the Distribution Licensee to give a connection.
7. It is made clear, however, that the merits of the consideration of the District Magistrate is not being entered into by this Court and it will

be open to the Magistrate to decide all issues independently in accordance with law.

8. There will be no order as to costs.
9. 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.)