

6th May,
2024
(AK)
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W.P.A 11773 of 2024

Prahlad Patra alias Prahallad Patra
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Dipanjan Datta
Mr. Subhajit Chowdhury
...for the petitioner.

Mr. Sujit Sankar Koley
...for the WBSEDCL.

1. Affidavit-of-service filed in court today be kept on record.
2. The petitioner contends that in a previous round of litigation, the petitioner had got electricity connection over certain electricity poles.
3. The private respondents had come up before this court with a grievance that they also wanted electricity connection through the same poles.
4. However, this court held on the previous occasion that since over a long period of time, there was a separate existent route over which the connection could be taken by the private respondents, the private respondents were directed to be given electricity connection over such route.
5. It is alleged by the present writ petitioner that in defiance of such arrangement, subsequently the

private respondents have uprooted one of the electricity poles of the petitioner and shifted their own electricity connection through one of the poles of the petitioner.

6. It is argued that despite a representation having been made to the WBSEDCL, the WBSEDCL has not taken any steps on the same.
7. Learned counsel for the WBSEDCL, on instruction, submits that the WBSEDCL is not aware of any such act of the private respondents.
8. It is categorically stated that the WBSEDCL had no role to play in any such act.
9. Be that as it may, since the allegations of the petitioner tantamount to serious allegations of criminal nature of tampering with the equipment of the WBSEDCL, the petitioner ought to have liberty to file a police complaint formally in order to initiate enquiry/investigation into the matter.
10. That apart, since learned counsel for the petitioner submits that a civil suit is pending at the behest of the petitioner where the petitioner is enjoying an order of status-quo, in any event, it will open to the petitioner to take due steps for alleged violation of such status-quo before the said civil court.
11. Thus, WPA 11773 of 2024 is disposed of by granting leave to the petitioner to approach the

local police with the complaint as made in the present writ petition.

12. If such an allegation is made, the police shall make due enquiry into the matter by treating the same to be a criminal complaint, if necessary involving the WBSEDCL in such enquiry as well.
13. It will be open to the WBSEDCL, if subsequently convinced of such allegation, to take their own independent steps under the Electricity Act, 2003 in that regard.
14. It will also be open to the petitioner to approach the competent civil court where the petitioner's suit is pending for taking appropriate action for violation of the order of the said court.
15. The merits of the allegations and counter-allegations have not been gone into and since no affidavits have been invited, it is deemed that the allegations of the writ petition are not admitted by any of the respondents.
16. There will be no order as to costs.
17. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)