

8th April,
2024
(AK)
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W.P.A 12726 of 2023

Chiranjib Mondal
Vs.
The State of West Bengal and others

Mr. Prasayan Mukherjee
...for the petitioner.

Mr. Debjit Mukherjee
...for the WBSEDCL.

Mr. Dipanjan Datta
Mr. Subhajit Chowdhury
...for the respondent no.5.

1. The petitioner submits that the petitioner seeks electricity connection which is being opposed by the private respondent who is a neighbour of the petitioner.
2. Learned counsel for the WBSEDCL contends that there is no alternative location than the property of the private respondent for installing the electricity pole which is required to give connection to the petitioner.
3. Learned counsel for the private respondent specifically objects to the electricity pole being installed on his property.
4. In view of the above dispute, the only recourse available is for the WBSEDCL, being the Distribution Licensee, to take out appropriate

proceedings under Rule 3 of the Works of Licensees Rules, 2006.

5. Since it has been made clear by the contesting private parties that there is an existing dispute with regard to giving electricity connection to the petitioner, the WBSEDCL is hereby directed to refer the matter to the concerned District Magistrate having territorial jurisdiction under the contemplation of Rule 3 of the 2006 Rules.
6. Such reference shall be made by the respondent no.2, that is, the WBSEDCL within a fortnight from date.
7. Upon such reference being made, the District Magistrate shall give adequate opportunity of hearing to all interested parties, including the parties herein, and decide the issues involved in accordance with law.
8. Such entire exercise shall be concluded by the District Magistrate preferably within eight weeks from the matter being referred by the WBSEDCL to the District Magistrate.
9. Since the parties submit that a suit is pending between the private parties before the civil court, the pendency of the same and the effect thereof on the issue at hand shall be considered by the District Magistrate while disposing of the matter.

10. WPA 12726 of 2023 is disposed of accordingly in the light of the above observations.
11. There will be no order as to costs.
12. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)