

D/L.15.
September 13, 2024.
MNS.

CPAN No. 1126 of 2024
in
WPA No. 28042 of 2023

Golam Rashul @ Sk
Vs.
Sanjoy Kumar Das

Mr. Bidyut Kumar Halder,
Mr. Indranath Halder

... for the petitioner.

Mr. Debjit Mukherjee

...for the alleged contemnor.

1. Affidavit-in-opposition and reply filed in Court be kept with the record.
2. Learned counsel for the petitioner contends that despite the specific direction of this Court dated January 17, 2024 on the WBSEDCL to give permanent electricity connection to the petitioner, if so applied and upon compliance of all formalities, the WBSEDCL is withholding such connection on the ground that more than Rs. 2,00,000/- is required to be paid by the petitioner. Learned counsel also relies on a letter dated April 19, 2024, annexed at page 20 of the contempt application, where the WBSEDCL refused to give electricity connection on the ground that the same is 'Techno Economically Not Feasible'.
3. It is argued that the said act on the part of the WBSEDCL is an attempt to render the order of this Court toothless and as such tantamounts to contempt.

4. Learned counsel appearing for the alleged contemnor submits that although there was a delay in communication of the costs to be paid by the petitioner for giving the permanent connection, nonetheless it was communicated to the petitioner that for the purpose of giving such permanent connection to the petitioner as per the chosen route of the petitioner, the petitioner was to pay an estimated amount of Rs. 2,35,042/-. It is submitted, by placing reliance on a photocopy of a communication handed over in court today, that a joint inspection was held for the purpose of ascertaining the path of giving permanent connection to the petitioner, upon which a route was chosen by the representative of the petitioner, which communication also depicted the said route as well as that thirteen new electricity poles of a permanent nature were to be installed for giving such permanent connection.
5. As such, it is submitted that the letter dated April 19, 2024 was issued since the petitioner did not pay the said amount.
6. It is further contended by the alleged contemnor that as per the extant Rules and Regulations, if the costs to be incurred in giving a connection to the consumer exceeds a particular limit, the Distribution Licensee shall not bear the same and it has to be paid by the consumer.

7. In the present case, if the costs were up to Rs.2,00,000/-, the WBSEDCL would have borne the same. However, since the same exceeds the upper ceiling of Rs.2,00,000/-, it would be 'Techno Economically' not feasible for the WBSEDCL to bear the costs and it was for the petitioner to pay the required amount for getting the permanent connection.
8. Upon careful perusal of the documents on record and the photocopy handed over in Court today, it is apparent that the WBSEDCL has taken stand that for the purpose of getting the permanent connection, an amount of Rs.2,35,042/- has to be paid by the petitioner.
9. The petitioner may have a legitimate grievance against such assessment, for which, however, the remedy lies not in contempt but in a proper challenge to be preferred before the concerned Grievance Redressal Officer.
10. Be that as it may, since the order under contempt clearly mentioned that the permanent connection shall be given only upon compliance of all formalities by the petitioner, and as the parties have a dispute over the formalities to be undertaken, there is legitimate scope of interpretation of the order and contempt does not lie.
11. Accordingly, CPAN No. 1126 of 2024 is dismissed by granting liberty to the petitioner to approach the

concerned Grievance Redressal Officer in accordance with law for redressal of the dispute regarding the estimate now given by the WBSEDCL for giving permanent connection to the petitioner.

12. It is made clear that this court has not gone into the merits of the case and it will be open to the Grievance Redressal Officer to decide the issue within a reasonable period, preferably within six working weeks from the date of communication of this order to the Grievance Redressal Officer.

13. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)