

Item No.4
19.08.2024
Court. No. 9
GB

W.P.A. 18710 of 2024

Ajay Samanta

Vs.

The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Kapil Ch. Sahoo

...for the Petitioner.

Mr. Dr. Madhusudan Saha Roy

...for the WBSEDCL.

Affidavit-of-service filed in Court today, is taken on record.

Despite service, none appears on behalf of the respondent nos.7 and 8.

The petitioner submits that the bamboo structure with the aid of which the electric line has been granted to the petitioner is required to be replaced by proper electrical appliances. It is further stated that the pole should be shifted.

Dr. Saha Roy, learned advocate for the West Bengal State Electricity Distribution Company Limited submits that the bamboo pole can be replaced as and when proper poles are requisitioned by the concerned authority, but the issue of shifting cannot be decided unless an inspection is made. Moreover, the petitioner is required to comply with the necessary formalities of way leave, payment etc. The respondent nos.7 and 8 also objected to such shifting, it is alleged.

The writ petition is disposed of directing the Assistant Engineer and Station Manager, Patashpur Customer Care Centre to treat the writ petition as a representation of the

petitioner and dispose of the same in accordance with law, upon hearing the petitioner and the respondent nos.7 and 8.

Needless to mention, the bamboo structure shall be replaced by a proper pole as and when the same is available with the authorities. The issue of shifting cannot be decided unless all the parties are heard. Upon hearing the necessary parties, including the respondent nos.7 and 8, a reasoned order shall be passed with regard to the shifting of pole. The order shall be communicated. If there are other compliances to be fulfilled, the same shall also be informed to the petitioner. The authority shall indicate whether such shifting can be accomplished and if so, under what circumstances. If the authority finds serious resistance, in that event the authority shall intimate the same to the petitioner by the same reasoned order.

Needless to mention, before any hearing takes place, a physical inspection of the site shall be held by the authority in the presence of the petitioner and the respondent nos.7 and 8.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)