

08-11-2024
Item No.19
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.21228 of 2024
Kamarul Sekh

-vs-

**The West Bengal State Electricity Distribution Company
Limited & Ors.**

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty ...for the petitioner

Mr. Sankar Banerjee ...for the licensee

1. The petitioner is aggrieved as his prayer for grant of new electricity connection for operating submersible pump has been rejected on the ground that the same is not techno-commercially feasible.
2. Learned advocate for the petitioner relies upon a communication made by the Assistant Engineer & Station Manager, Paikar CCC dated April 9, 2024 (Annexure P5, p.41) intimating the petitioner that no SWID is required for running the motor of 5 HP capacity or less. Relying upon the aforesaid communication the petitioner purchased a 5 HP submersible pump by spending considerable sum.
3. In July 2024 the self-same authority rejected the petitioner's prayer for new connection on the ground that the same is not techno-commercially feasible.
4. The petitioner has annexed documents in support of the submission that his adjacent plot has electricity connection for running submersible pump. Prayer has been made to direct the concerned authority to

grant connection to the petitioner from the nearby connection.

5. Learned advocate for the licensee relies upon the instructions forwarded by the Assistant Engineer & Station Manager, Paikar CCC signed on August 23, 2024 disclosing that the petitioner's prayer cannot be allowed as the same is not techno-economically feasible. The plot of the petitioner was inspected and as per estimation the cost of the scheme comes to Rs.3,19,349.90/-. New connections are given to provide agricultural pumps only if the scheme value is found to be Rs.40,000/- per HP per connection or less. In the instant case the scheme value exceeds Rs.2,00,000/- per connection rendering the scheme not economically feasible.
6. Upon hearing the parties and upon perusal of the documents placed before this Court, the instant writ petition is disposed of by directing the concerned Station Manager, WBSEDCL to conduct a fresh spot inspection upon prior notice to the petitioner to ascertain the feasibility for providing new connection. At the time of spot inspection the authority shall take into consideration the viability of providing electricity connection to the petitioner from the connection of the adjacent plot of the petitioner.
7. If it appears that it is feasible for granting connection, then the same shall be given to the petitioner at the earliest upon compliance of all necessary formalities.
8. The inspection shall be conducted at the earliest but positively within a period of six weeks from the date of communication of this order.

9. A reasoned decision shall be passed and communicated to the petitioner within a fortnight thereafter.
10. The instruction dated August 23, 2024 signed by the Assistant Engineer & Station Manager, Paiker CCC is taken on record.
11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

