

AD-05
Ct No.09
29.02.2024
TN

WPA No. 26729 of 2023

Somai Kisku
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Md. Kutubuddin,
Mr. Subham Saha

.... for the petitioner

Mrs. Gopa Roy

.... for the WBSEDCL

- 1.** A report is filed by the West Bengal State Electricity Distribution Company Limited (WBSEDCL), whereby it is indicated that the petitioner has by now installed the submersible pump and taken steps to comply with the basic formalities and infrastructure to give electricity connection to the petitioner to run his submersible pump.
- 2.** It is, however, submitted that crop (corn & mustard seed) cultivation has already started in the nearby fields, for which the required eight electricity poles for giving connection to the petitioner cannot be installed now in the said fields.
- 3.** Learned counsel for the WBSEDCL places reliance on the WBERC Regulation 57, Clause 4

which stipulates that in case of drawing of LT/HT overhead line through paddy land, the time period may be extended up to 180 days considering the season of cultivation.

4. Learned counsel for the petitioner submits that the mustard season is almost over.
5. It is further contended that 'way leave certificate' as sought by the WBSEDCL is difficult to obtain in view of there being several fields over which the work is required to be done.
6. Upon hearing learned counsel for the parties, it transpires that the petitioner has complied with basic infrastructure formalities for getting an electricity connection. The only impediment is the ongoing cultivation of mustard and corn.
7. Since the cultivation season is already on, it is expected that the same will be over within an outer limit of two months from date.
8. Insofar as the 'way leave permission' is concerned, it would obviously be difficult for the petitioner, himself a cultivator, to go on obtaining 'way leave certificates' for all the adjoining cultivable lands.
9. In any event, Rule 3 of the Works of Licensees Rules, 2006 (for short "the 2006 Rules") confers the obligation on the Distribution Licensee to

approach the concerned District Magistrate or Commissioner of Police, as the case may be, in such cases of obstruction.

- 10.** Accordingly, WPA No. 26729 of 2023 is disposed of by directing the WBSEDCL to raise an offer letter to the petitioner for the purpose of giving electricity connection. Upon the petitioner complying with all formalities, the WBSEDCL shall give the connection to the petitioner, positively within two months from the date of such compliance, preferably immediately after the ongoing cultivation season is over.
- 11.** Insofar as the 'way leave certificate' is concerned, the petitioner is not required to produce the same.
- 12.** In the event any obstruction is raised in undertaking the work by the WBSEDCL, the latter will be at liberty to take recourse to Rule 3 of the 2006 Rules for such purpose.
- 13.** Since the previous application of the petitioner has already been rejected, the above order shall be subject to the petitioner filing a fresh application for electricity connection to operate his submersible pump within a week from date and the entire process as indicated above shall

commence after such application is filed within a week by the petitioner.

- 14.** The report filed by learned counsel for the WBSEDCL today be kept on record.
- 15.** There will be no order as to costs.
- 16.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)