

12 10.06.2025
NB Ct. 15

WPA 6746 of 2025

Somen Datta & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Masud Karim.
...for the petitioners.

Mr. Ayan Banerjee,
Mr. D. Sen.
....for the State.

Mr. Debanjan Mukherjee.
...for WBSEDCL.

Mr. Sounak Bhattacharya,
Mr. Chandra Nath Sarkar,
Mr. Sounak Mandal.
...for the respondent nos.9 to 12.

The petitioners submitted an application to the WBSEDCL seeking an increase in the load capacity of their meter in order to address issues related to voltage fluctuations.

The learned advocate representing WBSEDCL stated that an inspection was conducted in response to the petitioner's application.

According to the learned advocate for WBSEDCL, the inspection revealed that, to mitigate the voltage fluctuation problem, the overhead power transmission conductor must be upgraded from Aluminum Conductor Steel Reinforced (ACSR) to Aerial Bunched Cable (ABC). Additionally, it was submitted

that the erection of an additional electric pole at the location is necessary.

The learned advocate appearing on behalf of respondents Nos. 9 to 12 argued that the erection of the electric pole cannot occur on a pathway owned by them. It was further submitted that their right, title, and interest in the pathway have been confirmed by a competent Civil Court.

I am inclined to accept the contention put forth by respondents Nos. 9 to 12. These respondents are obliged to provide wayleave for the erection of the electricity pole. However, they retain the right to claim appropriate compensation from the licensee company for the use of their land in connection with the electricity supply.

In light of the foregoing, I dispose of this writ petition by directing the WBSEDCL to supply the electricity connection through the erection of the necessary pole and the conversion of the conductor from Aluminum Conductor Steel Reinforced to Aerial Bunched Cable.

The petitioner shall fulfill all requisite formalities to facilitate the connection.

The Officer-in-Charge of Sonarpur Police Station is directed to provide necessary police assistance to WBSEDCL for effecting the connection, the cost of which shall be borne by the petitioner.

It is clarified that respondents Nos. 9 to 14 shall be at liberty to approach the competent District Magistrate under Rule 3(b) of the Works of Licensees Rules, 2006, to seek

compensation or annual rent for the use of the pathway from the licensee company.

It is further clarified that neither the electricity connection nor the erection of the pole shall confer upon the petitioners any right, title, or interest in the said pathway.

Accordingly, **W.P.A. 6746 of 2025** is hereby disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Kausik Chanda, J.)