

25.03.2025
Sl. No.30
akd

W. P. A. 28571 of 2024

[Golam Rasul -Vs- The WBSEDCL & Ors.]

Mr. Indranil Halder
... .. for the petitioner

Mr. Kanak Kiran Bandyopadhyay
... .. for the WBSEDCL

1. Petitioner has filed the present writ petition assailing the order dated 04.09.2024 passed by the electricity Ombudsman whereby the petitioner's prayer for grant of electricity connection to his submersible pump was declined on the ground that it is not techno commercial feasible for the respondent- WBSEDCL to grant him such electricity connection.

2. It is the case of the petitioner that he had installed a submersible pump on his land situated at Vill. & Mouza – Bhagabatipur, P.S. Nalhati, Dist. Birbhum, Pin. 731243. Thereafter, he had applied for a new electricity connection for the said submersible pump and he has duly deposited Rs. 7,699/- on 16.05.2019 as quotation before the WBSEDCL authority for the said new electricity connection. However, no electricity connection had been granted to him till today. Being aggrieved by such inaction on the part of the respondent- WBSEDCL, the petitioner had raised a complaint before the Regional Grievance Redressal Officer (RGRO), Birbhum regional office. During the said proceeding, respondent- WBSEDCL clarified that it is not techno commercial feasible project and thus, they are not in a position to grant electricity connection. The RGRO had given a direction to the petitioner to

submit an alternative route and way leave permission to the Station Manager, Nalhati along with other requisite documents and formalities. With this direction, the application of the petitioner was disposed of by the RGRO.

3. Since the grievance of the petitioner remains unaddressed by the order passed by the RGRO, Birbhum, the petitioner has preferred an appeal before the learned ombudsman (respondent no. 3), seeking appropriate redressal. During the said proceeding, as per the direction of the electricity Ombudsman, the respondent-WBSEDCL filed techno commercial feasibility reports dated 29.01.2024 and 15.04.2024 respectively stating that the techno commercial feasibility of the project is not viable and hence, electricity connection cannot be granted. In view thereof, vide order dated 04.09.2024, the electricity Ombudsman disposed of the said appeal holding that no electricity connection can be granted to the petitioner as the techno commercial feasibility of the project was not viable. Ombudsman further held that service connection of the petitioner may be effected on the fulfillment of either of the following condition: (i) if the petitioner is agreed to bear entire project cost which is approximately 6,07,237/- and (ii) if at least four consumers having separate cultivation land of their own applies for electricity connection.

4. Learned Advocate for the respondent-WBSEDCL submits that the petitioner's project is not techno commercial feasible and is not a viable project. He further submits that electricity connection can be granted to the petitioner only on the abovementioned terms enumerated in the order of the electricity Ombudsman.

5. In view of the said submissions, respondent-WBSEDCL submits that there is no illegality in the order dated 04.09.2024 and thus, the present writ petition deserves to be dismissed.

6. This court has heard the arguments advanced by both the parties.

7. Learned counsel for the petitioner placed reliance upon Section 43 of the Electricity Act, 2003, emphasizing the statutory obligation of the distribution licensee to supply electricity. However, it is well settled that such obligation is subject to the techno commercial feasibility of the project, a criteria assessed by the expert body of the distribution company.

8. Upon careful scrutiny of the materials on record, this Court finds no allegation of mala-fide, arbitrariness, or procedural irregularity on the part of the respondents in preparation of the feasibility reports. Both the RGRO and the Ombudsman have explored viable alternatives to extend the connection, which the petitioner has not agreed to.

9. This Court is not an expert to decide upon the feasibility of a project. The respondent-WBSEDCL based on their technical expertise prepares the feasibility report and are well accomplished in the domain of deciding on the feasibility of a project.

10. In matters involving technical expertise and the commercial viability, the scope of judicial review is limited. This Court is neither equipped nor inclined to sit in appellate scrutiny over the opinions and assessments rendered by technical experts. Hence, in view thereof, after examining the relevant records, this Court is of the considered opinion that there is no infirmity and/or illegality in the said impugned order.

11. Thus, this Court is not inclined to interfere with the present writ petition.

12. With the aforesaid observations, the present writ petition is dismissed.

13. There shall be no order as to costs.

14. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)