

07 09.06.2025
NB Ct. 15

WPA 29463 of 2024

BRGD Sponge & Iron Pvt. Ltd. & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Jaydip Kar, Sr.Adv.,
Mr. Tanoy Chakraborty,
Mr. Siddharth Shroff.
...for the petitioners.

Mr. Ashim Kumar Ganguly Id.AGP.,
Ms. Jayeta Mitra (Kaunda).
....for the State.

Mr. Sayak Ranjan Ganguly,
Ms. Srijani Ghosh,
Ms. Indrani Majumdar.
...for the respondent no.10.

The petitioners intend to establish a steel plant under the name of BRGD Sponge and Iron Private Limited at Earakusum, Madandih, Janardandih, Neturia, Purulia.

Mr. Jaydip Kar, learned senior advocate appearing on behalf of the petitioners, submits that the petitioners have obtained all necessary permissions from the relevant statutory authorities for the establishment of the steel plant. For the purpose of obtaining electricity connection, the petitioners are required to install nine (9) electricity towers as mandated by Damodar Valley Corporation (DVC), the licensee company.

Out of the nine (9) electricity towers, the petitioners have already constructed seven (7). However, due to resistance from some local residents, the petitioners have been unable to construct tower no. 4.

Mr. Kar further submits that to construct tower no.4, the petitioners are not required to evict the objectors from their lands, as only an overhead electricity line needs to be drawn over the plots belonging to the objectors.

He also states that the petitioners have already submitted a representation to the concerned District Magistrate by letter dated June 21, 2021, but no action has been taken by the District Magistrate to date.

On behalf of the State, it is submitted that two (2) towers, namely tower nos. 4 and 5, remain to be constructed by the petitioners due to resistance from local residents. It is further contended that the District Magistrate has no role to play in this matter. The State suggests that before any order is passed in this writ petition, the objectors should be given an opportunity of hearing to present their case.

I am of the opinion that no valid objection can be raised against the drawal of any high-tension line. Pursuant to Section 164 of the Electricity Act, 2003, the licensee company is granted with the powers of the Telegraph Authority conferred under the Indian Telegraph Act, 1885, to undertake such activities.

The legal position regarding the drawal of high-tension electricity lines has also been clarified by the Hon'ble Supreme Court in the judgment cited by Mr. Kar reported at **(2017) 5 SCC 143 (Power Grid Corporation of India Limited v. Century Textiles and Industries Limited)**.

There can be no objection from any person regarding the drawal of the high-tension line, when no one's land is being

acquired or utilized. One may be entitled to compensation if the installation of such a high-tension line causes any damage to his property.

In the circumstances of this case, I hereby direct the District Magistrate, Purulia, and the Superintendent of Police, Purulia, to provide all necessary assistance and protection to the petitioners in the construction of towers nos. 4 and 5 and for the drawal of the high-tension line for the purpose of effecting the electricity connection through the said towers.

The cost of police assistance shall be borne by the petitioners.

With these directions, **W.P.A 29463 of 2024** is disposed of.

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

(Kausik Chanda, J.)