

D/L.01.
March 12, 2026.
KAUSHIK

WPA No. 4761 of 2026

Sri Sujit Ghosh
Vs.
The Stat of West Bengal & Ors.

Ms. Parna Roy Chowdhury
Ms. Payel Ghosh
... for the petitioner

Ms. Sabnam De Bardhan
... for the State

Mr. Debjit Mukherjee
... for the WBSEDCL

The grievance of the petitioner is directed against supply of electricity to third parties from a transformer, which is situated in the land belonging to the petitioner. There is also a prayer for acquisition of the land and for compensation money to be paid to the petitioner.

This is the second round of litigation. The brief facts culminating in the filing of the writ petition are that, by an order in an earlier writ petition being WP No. 16661(w) of 2018, a Coordinate Bench had directed the concerned District Magistrate to consider the grievance pertaining to a new domestic connection.

Pursuant to the above direction, the District Magistrate by an order dated 30th June, 2025 directed the WBSEDCL to provide electricity connection to the petitioner.

The primary contention on behalf of the petitioner is that from the transformer installed in the premises of the petitioner, electricity has been distributed to third parties. It is contended on behalf of the petitioner that no electricity should be distributed to any third party. It is further submitted on behalf of petitioner that since the transformer has been installed in the land of the petitioner, she has the exclusive right to enjoy the same. The petitioner also seeks compensation from the State authorities.

Notification No. 53/WBERC dated 2nd April, 2013 Clause 13 provides as follows:

“13. Ownership of the assets:

Irrespective of bearing of the costs of the extended portion of the distribution mains, electrical lines, electrical plants, etc. incurred for the purpose of giving new connections to new consumers either in full or in part, the assets so created shall be under the ownership of the distribution licensee, who shall bear all expenditures for their maintenance and replacement.”

It is evident from a reading of the above provision that no individual can claim any right in respect of the assets of the distribution company

or any transformer as a private property. The other grievance of the petitioner that they are entitled to enjoy electricity exclusively and absolutely and no third party can be provided electricity from the above transformer situated on the land of the petitioner is also misconceived. There is no vested right of the petitioner either in respect of electricity or the transformer. In such circumstances, there is no infirmity in the impugned order. The entire grievance of the petitioner is based on a misconception and misinterpretation of the relevant provisions of law.

In such facts, there is no infirmity, illegality nor perversity with the impugned order passed by the District Magistrate which warrants any interference of this Court. In view of the above, WPA 4761 of 2026 stands disposed of.

Since no affidavits have been called for, the allegations made in the writ petition are be deemed to have not been admitted.

(Ravi Krishan Kapur, J.)