

Item No.9
24.03.2026
Court. No. 12
GB

MAT 448 of 2026
With
CAN 1 of 2026

Rama Pal
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Roy,
Ms. Karabi Roy,
Mr. Sarbani Mukhopadhyay

...for the Appellant.

Mr. Dr. Madhusudan Saha Roy,
Mr. Debanjan Chatterjee

...for the WBSEDCL.

Ms. Sipra Mazumder,
Ms. Prativa Ghatak

...for the State.

1. The appellant is aggrieved by an order dated February 16, 2026, by which a learned Single Judge dismissed the writ petition upon holding that the installation of the transformer had been made by the WBSEDCL, upon maintaining the safety norms. A cradle guard had also been provided to protect the premises. Sufficient distance from the existing main gate of the petitioner had been maintained and no disturbance would occur in future to the egress and ingress of the appellant.
2. It is submitted by Mr. Roy, learned advocate for the appellant that, the Works of Licensee Rules were not followed in this case.
3. This submission is incorrect. The Works of Licensee Rules cannot be pressed into service in this case, as

the installation of the transformer is on a road and not on the land of the appellant. Secondly, His Lordship had specifically recorded that the appellant had failed to provide any alternative place to which the transformer could be relocated or shifted. Section 53 of the Electricity Act, 2003 was complied with according to WBSEDCL. Safe distance from the boundary wall of the concerned premises was maintained. It is, also the specific case of the WBSEDCL that the transformer was shifted from its original place.

4. It is further submitted by Dr. Saha Roy, learned advocate for the WBSEDCL that safe distance has been maintained. The photographs annexed to the application are not correct. The entrance gate was further widened by the appellant after the transformer was installed. The main entrance of the gate is still free. The newly erected pole, that is, the iron sub-station structure is away from the premises. There is no obstacle for egress and ingress through the main gate. The safety norms have been followed.
5. The specific averments in the writ petition are quoted below:-

“9. Your petitioner states that all of a sudden on 31.10.2025, your petitioner was shocked and surprised to see that men and agents of Respondent No. 2 had started forcefully erecting pole and a transformer just in front of the main entrance and side entrance of your petitioner's premises thereby completely

blocking your petitioner's free egress and ingress to the residential house and completely blocking the garage of your petitioner.

10. Your petitioner states that the pole and the transformer has been erected in such a fashion that your petitioner cannot take out her car from her residential house. As such the said transformer had been erected in such a way that it is touching the asbestos shed of the garage of your petitioner.

11. Your petitioner states that the respondent electricity authorities had already erected the said transformer and electricity may be effected anytime soon. As such if such electricity is effected, the electrical wires will hang dangerously over the residential building of your petitioner and a mishap may happen anytime.

12. Your petitioner states that it is pertinent to mention here that no permission and/or consent was taken your petitioner before installing the said pole and transformer by the respondent electricity authorities and the same had been erected forcefully to the utter inconvenience of your petitioner.”

6. From the above averments, we hold that there are no specifications as to the violation of the law and or the regulations on the part of the WBSEDCL. The installation of the transformer was made in discharge of a statutory function in order to secure stable supply of electricity to the locality.

7. Section 67(1) of the Electricity Act, 2003 is hereby quoted below:-

“Section 67. (Provisions as to opening up of streets, railways, etc): ---

(1) A licensee may, from time to time but subject always to the terms and

conditions of his licence, within his area of supply or transmission or when permitted by the terms of his licence to lay down or place electric supply lines without the area of supply, without that area carry out works such as –

(a) to open and break up the soil and pavement of any street, railway or tramway;

(b) to open and break up any sewer, drain or tunnel in or under any street, railway or tramway;

(c) to alter the position of any line or works or pipes, other than a main sewer pipe;

(d) to lay down and place electric lines, electrical plant and other works;

(e) to repair, alter or remove the same;

(f) to do all other acts necessary for transmission or supply of electricity.”

8. It is the specific case of the electricity department that safe distance has been maintained and it is the specific finding of the writ court that such safe distance was maintained and there is no impediment in the egress and ingress of the appellant. We are not inclined to cause a deeper probe on such issue. However, if the appellant can provide an alternative solution and pay for shifting, the transformer shall be shifted.
9. Accordingly, the appeal and the connected application are disposed of.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)