

Item No.1
08.04.2026
Court. No. 12
GB

MAT 884 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025

Bhaba Ranjan Das
Vs.
The West Bengal State Electricity Distribution
Company Limited & Ors.

*Mr. Gouranga Kumar Das,
Ms. Tithli Piplai*

...for the Appellant.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

In Re: CAN 1 of 2025

1. CAN 1 of 2025 is an application for condonation of delay of 58 days in filing the appeal.
2. Considering the averments in paragraph 6 of the application, we are satisfied that the appellant was prevented by sufficient cause from filing the appeal within time.
3. Delay is condoned.
4. Accordingly CAN 1 of 2025 is allowed.
5. Let the appeal be regularized.

In Re: MAT 884 of 2025

6. The appeal arises out of an order dated March 18, 2025, passed in WPA No. 28428 of 2024. The appellant prayed for implementation of the order of Ombudsman by filing the writ petition. The relevant portion of the order of the Ombudsman is quoted below:-

“Under such circumstances, the OP is directed to erect PCC pole by the side of the road where the previous pole was standing. The licensee has every right to cut the branches of the trees causing disturbance to give supply and accordingly, the licensee is directed to take necessary step for cutting the branches of the trees which are causing disturbance in the process of work. If any objection is raised by any peon or persons, the licensee is to give necessary information to the local police station and with the help of police, the licensee shall erect the said pole and restore connection to the petitioner immediately to avoid any electrical accident towards the local people and properties.”

7. According to the appellant, the said order was binding on the distribution company and as such, prayers were made before the learned writ court for a direction upon the distribution company to erect a new pole in place of the existing pole from which the supply had been given to the appellant and which was destroyed during ‘Amphaan’.
8. The appeal before the Ombudsman was filed from the order of the RGRO, South 24 Parganas alleging that the station manager did not take any remedial measures after the PCC pole from which the connection had been given, had been destroyed during the ‘Amphaan’. The RGRO passed an order which was not to the satisfaction of the appellant and as such, the appellant moved the Ombudsman.
9. It appears from the records and the averments in the writ petition that the appellant seeks to draw electricity in a particular manner which was not feasible for the distribution company. Paragraphs 5,

6 and 7 of the writ petition indicate that there was a dispute with regard to the pathway over which the appellant claims a right of way and a suit had been filed. The right of easement of the appellant over the said pathway was upheld by the civil court and the private parties who had denied such easementary right were restrained from creating any disturbance to the appellant's enjoyment of the said pathway over Dag No.3776/4801.

10. Earlier, the PCC pole was erected on the said pathway which got damaged during 'Amphaan'. Thus, on the basis of the right of way the appellant has made a claim for installation of the pole over the said pathway. The use of the pathway was protected by the learned civil court, but there was no order that the electric pole from which the appellant must enjoy electricity had to be installed on the said pathway.
11. It was entirely the discretion of the distribution company to decide the route through which the electric supply should be granted and the PCC pole should be installed. The order of the Ombudsman clearly indicates that there are private parties with whom there are disputes and the Ombudsman had directed police to assist the distribution company for installation of the pole on the said pathway.
12. The question is, however, whether the distribution company can decide the route through which the

electric supply shall be drawn. The appellant has a right to enjoy electricity. The distribution company is duty bound to supply electricity.

13. Thus, if the distribution company decided to avoid any dispute with regard to installation of a pole over the said pathway, but had guaranteed permanent supply to the appellant through an alternative route, we are not inclined to interfere with the order of the learned trial Judge. The learned trial Judge interpreted the order of the Ombudsman to mean that the Ombudsman passed the order on the understanding that the appellant should not be deprived of electricity and the connection should be restored in a proper manner. The Ombudsman was of the impression that the appellants' connection had been restored by way of a temporary measurement, on urgent basis, which was not a permanent measure and not sustainable. The order records so:-

“This appeal has been preferred against the Final Order dated 20.3.23 of the RGRO, South 24 Parganas Region stating that he is a consumer having ID No. 101384231 and his connection was effected in the year 2015. During Amphan disaster, several electric poles were damaged and the electric wire also torn. After the disaster, some poles and wire were installed but his pole was not installed and his supply was continued through temporary arrangement. He informed the matter to the concerned SM but he did not take any action. Accordingly, he lodged complaint before the RGRO and the RGRO passed order.

But, he was not satisfied with that order. Hence, this appeal.

The OP / licensee has filed written reply stating that due to super cyclone storm Amphan on 20.5.20, the LT pole of the petitioner's connection has been damaged. The service connection had been restored on urgent basis with supporting the service cable with existing tubular pole. Due to strong objection of one Shri Rabindranath Pattanayek for installing the PCC pole on the same location, that PCC pole could not be erected. The branches of the trees cutting are required for installation of PCC pole. The consumer approached the RGRO, South 24 Pargana and passed Final Order.

From the case of both parties, it is clear that PCC pole was standing for giving electric connection to the petitioner and that has been damaged due to Amphan storm. Now, one neighbor has been raising objection for erection of PCC pole and some branches of the trees are required to be cut.”

14. This is not the case at the moment and it is the submission of the WBSEDCL that the appellant is enjoying continuous supply of electricity with proper infrastructure.
15. Under such circumstances, we do not find any reason to interfere with the order under appeal. It is made clear that the distribution company shall maintain uninterrupted and continuous supply to the premises of the appellant, if the appellant regularly pays the bills and there are no violations of the law.
16. Accordingly, the appeal and the connected application being CAN 2 of 2025 are disposed of.

17. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)