

(2011) 05 CAL CK 0057
In the Calcutta High Court
Case No : Writ Petition No. 6961 (W) of 2011

Kartick Halдар

APPELLANT

Vs

The West Bengal State Electricity Distribution Company
Limited and Others

RESPONDENT

Date of Decision : 02-05-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Criminal Procedure Code, 1973 (CrPC) — Section 147

Citation : (2011) 05 CAL CK 0057

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Sudip Sarkar and Sandip Ghosh, for the Appellant; Sumit Roy, for license and Milan Nandi, for the Respondent

Final Decision : Dismissed

Judgement

Jayanta Kumar Biswas, J.—The Court: The Petitioner in this Article 226 petition dated April 13, 2011 is questioning a decision of West Bengal State Electricity Distribution Company Limited, a licensee under the Electricity Act, 2003, dated November 23, 2010 (at p.29) regarding his application for giving him supply of electricity to the premises in question.

2. The licensee has expressed its inability to give supply of electricity on the grounds that even after inspecting the premises three times it could not find any way to draw the service lines.

3. Counsel for the Petitioner submits that it is wrong to say that there is no way to draw the service lines. For the purpose he wants to rely on a certificate given by the Prodhan of the Gram Panchayat concerned. He says that, as a matter of fact, for objection of the private Respondents the licensee could not give supply of electricity.

4. It is evident from the case revealed by the petition that the question involved

is whether the Petitioner has a right to use the property through which he wants to take supply of electricity to his premises.

5. The licensee does not possess any power to decide the question. The certificate of the Prodhana can at best be a piece of evidence; but that cannot be the decisive factor. There is no reason for me to entertain the petition for deciding the question in exercise power under Article 226.

6. In my opinion, the Petitioner's remedy, if any, was before the Civil and Criminal Courts. He was free to examine the question of applying to the Criminal Court u/s 147 of the Code of Criminal Procedure, 1973.

7. For these reasons, I dismiss the petition. No costs. Certified xerox.