

15.07.2026
Item No.19 (DL)
Court No.7
A.J.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 14421 of 2026

**Sefaur Rahman @ Sefaur Rahaman
@ Sefarul Rahaman & Anr.**

-Vs-

WBSEDCL & Ors.

Mr. Prosenjit Mukherjee,
Mr. N.K. Das.

...for the petitioners.

Dr. Madhusunda Saha Ray.

.....for the WBSEDCL.

1. This writ petition assails orders dated February 26, 2026 and March 25, 2026 passed by the Additional CE and Zonal Manager, Burdwan Zone thereby rejecting the petitioners' representation claiming compensation on the ground of death of their respective relatives due to electrocution.
2. The petitioner no.1 is the son of one Sadek Sk. (since deceased) and the petitioner no.2 is the wife of one Sakirul Sk. (since deceased). Both Sadek Sk. and Sakirul Sk. died allegedly due to electrocution.
3. It is the petitioners' case that the said two persons were electrocuted while crossing a paddy field where a submersible pump was being operated.
4. Upon the death of the said two persons, the petitioner no.1 lodged a criminal complaint against

one against one Sahajamal Sk. and Bano Sk. alleging that the said persons were operating the submersible pump using a naked wire and that the petitioners' aforesaid relatives got electrocuted when they accidentally stepped over the same.

5. Subsequently, the petitioner No. 1 approached this Court by filing WPA 22322 of 2025 alleging inaction on the part of the police authorities in taking appropriate steps in furtherance of the complaint lodged by such petitioner with the police authorities.

6. The said writ petition being WPA 22322 of 2025 arrayed the said accused persons as private respondents. The same was disposed of by an order dated December 01, 2025 recording that charge-sheet had been filed and the petitioner No. 1 was granted liberty to approach the jurisdictional Magistrate in case need arose.

7. Thereafter, the petitioners made a representation before the respondent electricity authorities seeking compensation. When such representation remained pending, the petitioners approached this Court by filing a writ petition being WPA 1056 of 2026 alleging inaction on the part of the respondent WBSEDCL Authorities.

8. The said writ petition was disposed of by an order dated January 20, 2026 directing the

Chairman, WBSEDCL to nominate an appropriate representative/delegate for consideration of the petitioners' representation within a period of four weeks from the date of communication thereof. Pursuant to the said order dated January 20, 2026, the petitioners' representation has been disposed of by passing an order dated March 25, 2026.

9. Feeling aggrieved thereby the petitioners have approached this Court by way of the present writ petition.

10. Mr. Mukherjee, learned Advocate appearing for the petitioners submits that the respondent Electricity Authorities have passed an order with a prejudiced mind. He invites the attention of this Court to a notice dated February 18, 2026 (Annexure 'P-8' at page 81 of the writ petition) and submits that by the said notice hearing was fixed on February 27, 2026.

11. He next submits that although hearing was fixed on February 27, 2026 an order was passed on February 26, 2026 itself thereby disposing of the petitioners' representation prior to the date fixed for hearing. He submits that it is the first order which is impugned in the present writ petition.

12. It is next submitted that subsequently, another notice dated February 06, 2026 was issued fixing March 25, 2026 as a fresh date for hearing.

He submits that on the said date the petitioners appeared before the respondent WBSEDCL Authorities and the second impugned order dated March 25, 2026 was passed thereby reiterating the stand taken in the earlier order dated February 26, 2026.

13. Mr. Mukherjee refers this Court to Section 161 of the Electricity Act, 2003 and submits that the procedure prescribed therein ought to have been followed by the respondent Electricity Authorities. He further submits that from the order dated February 26, 2026 it will appear that there was an enquiry report which was taken note of by the respondent WBSEDCL Authorities but such enquiry report was never furnished to the petitioners.

14. Dr. Saha Ray, learned Advocate appearing for the respondent WBSEDCL Authorities submits that the order dated February 26, 2026 was more in the nature of a procedural order than a substantive order and that the same did not effectively dispose of the petitioners' representation.

15. It is next submitted that in any case, it is admitted that the petitioners have been granted an opportunity of hearing and the petitioners' representation has also been considered by the respondent WBSEDCL Authorities while passing the order impugned dated March 25, 2026.

16. He next invites the attention of this Court to the order dated December 1, 2025 passed in WPA 22322 of 2025 to substantiate that it was the petitioners' stand before the co-ordinate Bench of this Court that the petitioners' relatives died due to the deliberate act of the private respondents and that there was no allegation that the respondent Electricity Authorities were at fault in any manner whatsoever.

17. He then invites the attention of this court to the order dated September 09, 2025 passed in WPA 20258 of 2025 and submits that in the said writ petition which had been filed by one Mofizuddin Sk., it would appear that the entire fault was at the end of the consumer and there was no fault of the respondent Electricity Authorities.

18. He then refers to Regulation 7.2 of the West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013 to demonstrate that the service line between the main switch and the meter would be owned and maintained by the consumer. He asserts that the electricity licensee has no duty of care and caution as regards the said accident of the electricity line.

19. Heard learned advocates appearing for the respective parties and considered the material on record.

20. It is noted that in the earlier writ petition being WPA No.22322 of 2025 filed by the petitioner No. 1 alleging police inaction, it was the specific case/stand of the petitioner no.1 that his father and brother i.e. Sadek Sk. and Sakirul Sk. respectively had died due to electrocution owing to the deliberate act of Sk. Sahajamal Sk. and Hanu Sk. who had been arrayed as the private respondents therein. In the said writ petition, it was the stand of the respondent WBSEDCL Authorities that the WBSEDCL Authorities were not responsible for the outgoing terminals from the meter of the consumer. The same stand has been taken even today.

21. Be that as it may, it appears from the order dated February 26, 2026 which is the first of the two impugned orders that indeed there was an enquiry that was conducted. The said order clearly refers to a “report of the permanent enquiry committee, of Birbhum region”. Although, the second order dated March 25, 2026 does not refer to such report yet, it is clear that there was an enquiry conducted and it cannot be ruled out that the same might have influenced the mind of the decision making authority.

22. In such view of the matter, it was not open to the respondent WBSEDCL Authorities to take a decision without furnishing copy of such report to

the petitioners.

23. Furthermore although Dr. Saha Ray submits that the order dated February 26, 2026 is a procedural order, this Court is unable to accept the same inasmuch as the tenor of the said order clearly indicates that it conclusively decided the petitioners' representations. In fact it ultimately concludes stating that "*the case is hereby treated as disposed of*".

24. Although the order dated February 26, 2026 apparently seems to have become lifeless in view of the subsequent order dated February 25, 2026 because there cannot be two orders having the effect, yet, the apprehension of the decision dated March 26, 2026 being an influenced one cannot be negated.

25. Accordingly, while the order dated February 26, 2026 shall be treated as having no effect, the order dated March 25, 2026 shall stand set aside.

26. Insofar as the reference to Section 161 of the Electricity Act is concerned, the provisions thereof would be activated only upon a notice being issued by the petitioners to the said authorities and the said provisions would be applicable only then.

27. In any event, since the representation made by the petitioners has not been disposed of properly and in accordance with law, by the Additional CE

and Zonal Manager, Burdwan Zone inasmuch as he has evidently taken the same decision not once but twice i.e. February 26, 2026 and March 25, 2026 as indicated hereinabove, therefore the same must be reconsidered.

28. In view of the facts detailed herein above, this Court is of the considered view that this time either the Chairman, WBSEDCL itself or some other person having either the same rank as that of the Additional CE and Zonal Manager, Burdwan Zone or higher than that (but not the same incumbent who took the impugned decision dated February 26, 2026 and March 25, 2026) should decide the petitioners representation afresh.

29. The respondent WBSEDCL Authorities shall, within a week from date, furnish a copy of the enquiry report to the petitioners. The petitioners shall have one week, from the date of such service of the copy of enquiry report upon them, to take an exception to such report.

30. Upon the petitioners filing the exception before the respondent WBSEDCL Authorities the relevant authority of WBSEDCL as aforesaid, shall take a fresh decision on the petitioners' representation taking into consideration the exception of the petitioners to the report along with other material on record after granting an

opportunity of hearing to the petitioners within a period of four weeks thereafter.

31. The respondent WBSEDCL Authorities shall also notify the recorded consumer in respect of the electricity connection of the said submersible pump about the date of hearing and he shall also be heard. Dr. Saha Ray has submitted that one Abdul Halim is the recorded consumer.

32. Upon hearing the petitioners as well as the recorded consumer and upon considering all the material-on-record as aforesaid the respondent WBSEDCL Authorities shall pass a reasoned order within the aforesaid period of four weeks. The said order shall be communicated to the petitioners and the recorded consumer within a week from the date of passing of such order.

33. With the aforesaid observations, WPA 14421 of 2026 stands disposed of. There shall be no order as to costs.

34. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)