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ORDER SHEET

Order Date	Order No.	Order
10.08.2026	02	Case Reference No. LWB/36/2026 Rahul Mukherjee, Vill. & P.O. – Sunuri, P.S. – Santuri, Dist. – Purulia, PIN – 723121. ... Complainant -Vs - The Chief Engineer (Projects)-II, West Bengal State Electricity Transmission Company Limited, Vidyut Bhavan, 10th Floor, A - Block, Sector – II, Block –DJ, Bidhannagar, Kolkata-700091. ... Respondent With Case Reference No. LWB/47/2026 Rahul Mukherjee, Vill. & P.O. – Sunuri, P.S. – Santuri, Dist. – Purulia, PIN – 723121 & three Others ... Complainants -Vs -

**The Chief Engineer (Projects)-II,
West Bengal State Electricity Transmission Company
Limited,
Vidyut Bhavan,
10th Floor, A - Block,
Sector – II, Block –DJ,
Bidhannagar,
Kolkata-700091.**

... Respondent

The complainant Rahul Mukherjee is present.

He files some photocopies of documents. Let the documents be kept on record.

Since the subject matter of the complaint registered as Case No. LWB/36/2026 and the subject matter of complaint registered as Case No. LWB/47/2026 are substantially identical, both the two cases are taken up analogously for holding preliminary enquiry.

The complainant Rahul Mukherjee is examined on oath as CW-1 on his behalf and on behalf of the other complainants. His deposition recorded in separate sheets be kept on record.

Photocopies of RS Parchas in respect of RS plot no.3043, web-generated copy of Banglar Bhumi in respect of LR plot no.3043 appertaining to eight Khatians, photocopy of a No Objection Certificate and photocopy of an order dated 13/06/2026 passed by the Lok Adalat, Raghunathpur are marked as **Exihibits 1 to 4**.

It appears that the complaint in connection with Case Reference No. LWB/47/2026 has been filed in the name of six complainants namely, Rahul Mukherjee, Hiralal Mukherjee, Dhirendranath Mukherjee, Radharani Mukherjee, Sandip Mukherjee and Suman Mukherjee. But, the complaint has been signed by only four complainants namely, Rahul Mukherjee, Hiralalal Mukherjee, Dhirendranath Mukherjee and Radha Rani Mukherjee. In such context, the complaint as against Sandip Mukherjee and Suman Mukherjee, who have not signed the

complaint stands dismissed as against them.

To put preciously, the complainants state that West Bengal State Electricity Transmission Company Ltd (WBSETCL) has constructed a 220 KV DD type transmission tower(Location No.28/0) on plot No.3043 within Mouza Sunuri, Purulia. They complain that West Bengal State Electricity Transmission Company Ltd has constructed the Tower without taking consent of all the Raiyats in respect of the plot. The authority i.e. WBSETCL has not paid compensation to all the Oweners/Raiyats of the plot on construction of the Tower. They state that because of construction of the Tower, a compensation of Rs.79,500/- was assessed. Out of the compensation amount, an amount of Rs.40,000/- was paid to Dilip Mukherjee and Rs.39,500/- was paid to Maheshwar Mukherjee. Complainant Rahul Mukherjee received Rs.10,000/- as compensation on 06/01/2026. The complainants allege that the concerned authority i.e. WBSETCL constructed the Tower without taking any consent of the co-sharers of the plot, assessed the compensation and disbursed the same to some of the co-sharers illegally, by resorting to corrupt practices and in abuse of power. Hence, the complainants seek for a full-fledged investigation into the complaint against the concerned public servants.

It appears from the deposition of the complainant Rahul Mukherjee that RS plot No.3043 corresponding to LR plot No.3043 measuring 3.36 acres originally belongs to Rajani Kanti Mishra. After the death of Rajani Kanta Mishra, his two sons namely Bimala Kanta Mukherjee and Kamalakanta @ Kamal Mishra inherited the plot in equal share having 1.68 acres each. From such deposition of the witness and from RS parchas in respect of Khatians No.88 and 497 in respect of RS Plot No.3043, it appears that Bimala Kanta Mukherjee and Kamalakanta @ Kamal Mishra had 1.68 acres of land each in respect of RS plot No.3043.

		Complainant Rahul Mukherjee deposes that the legal heirs of Rajani Kanta Mishra, by swearing affidavits, changed their surnames as Mukherjee from the surname Mishra. Exhibit-2 i.e. a document pertaining to Banglar Bhumi shows that the names of Hiralal Mukherjee, S/o Bimala Kanta Mukherjee, Bireshwar Mukherjee, S/o Bimala Kanta Mukherjee, Dilip Mukherjee, S/o Bimala Kanta Mukherjee, Rahul Mukherjee, S/o Ganesh Mukherjee, Dhirendranath Mukherjee, S/o of Kamalakanta Mukherjee, Radha Rani Mukherjee, W/o of Saileshwar Mukherjee, Sandip Mukherjee, S/o Saileshwar Mukherjee and Suman Mukherjee, S/o Saileshwar Mukherjee have been recorded in L.R. Khatian No.1326,1327,1328,1329,1382,1383,1384 and 1385 in respect of LR plot No.3043 corresponding to RS plot No.3043. As it appears from the deposition of complainant Rahul Mukherjee, Saileshwar Mukherjee was the youngest brother of Dhirendranath Mukherjee and Ganesh Mukherjee was the son of Bimala Kanta Mukherjee. From a photocopy of No Objection Certificate (Exhibit-3), it is evident that Dilip Mukherjee, S/o of Bimala Kanta Mukherjee received Rs.40,000/- and Maheshwar Mukherjee, S/o Bireshwar Mukherjee received Rs.39,500/- as compensation from the concerned authority. Complainant Rahul Mukherjee admits that he received compensation of Rs.10,000/- from the concerned authority. But, the complainants complain that the concerned authority constructed the Tower as above on their plot without taking their consent. But, receiving compensation by some of the co-sharers of the plot <i>prima facie</i> implies that the authority concerned took consent of the owners of the plot to construct the Tower. Since the relevant documents are not placed before this Forum, the issue whether the authority i.e West Bengal State Electricity Transmission Company Ltd. took written
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		consent from all the co-sharers of the plot or not is kept open for adjudication by the competent Court of Law or authority or Forum The complainants also complain that the authority concerned assessed the compensation illegally, by resorting to corrupt practices and in abuse of power. In this regard, it will be pertinent to refer to a letter dated 13.07.2026 issued by the Chief Engineer(Projects)-II of WBSETCL to complainant No.1 Rahul Mukherjee. The letter reads as under :- <i>“In reply to your prayer dated 07.07.2026, the undersigned would like to state : i) One number DD type tower’s (LOC No 28/0) foundation & erection was executed under mouza Sunuri (Block-Santuri, Dist.-Purulia) bearing Plot no.3043, JL No.1. The tower foundation & erection was completed during January, 2021 & September 2022 respectively. Although objection was invited through Newspaper Notification dated 17.09.2019 and 60 days time has been given for raising objection, if any, but no representation was received from Shri Rahul Mukherjee till June, 2025.</i> <i>ii) A joint inspection was carried out in the presence of a representgative of WBSETCL, representative of KEC, Shri Rahul Mukherjee, Shri Dhirendranath Mukherjuee and Anirban Mukherjee on behalf of Hiralal Mukherjee (landowners). An amount of Rs.40,000/- was paid to Shri Dilip Mukherjee through cheque by KEC on 16.01.2021 and Rs. 39,500/- was paid to Shri Maheshwar Mukherjee (son of Late Bireswar Mukherjee) via NEFT by KEC on 24.09.2022 as ROW compensation as per relevant provisions of the applicable acts (the Electricity Act, 2003 & the Telegraph Act, 1885), thereafter, a compensation payment to the tune of Rs.10,000/- was made to you.</i> <i>iii) All the RTI Applications as have been filed by you were replied to by the PIO, WBSETCL as per the Relevant Provisions of the RTI Act, 2005. Numerous physical interactions have held with you in</i>
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different dates where appropriate legal recourse has been advised by various authorities.

In view of the above premises, it is hereby inferred that as Sec16(3) of The Telegraph Act, 1885 if there is a dispute regarding the adequacy of the compensation offered, the party can apply before the Hon'ble District Judge who will then evaluate and make a determination of compensation in view of the same, you are requested to approach the concerned Hon'ble District Judge for redressal of your complain”.

Section 10(d) of the Indian Telegraph Act, 1885, provides that in exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

Complainant Rahul Mukherjee in his deposition states that the tower has been constructed only on a piece of land measuring 1 decimal out of 3.36 acres of land of the plot. He also says that overhead wire laid by the authority concerned covers 15 decimal of land of the plot. However, he deposes that they cultivate paddy and mustard on the remaining portion of the plot.

The letter of the Chief Engineer (Project)-II as quoted above, inter alia, says that if the complainant Rahul Mukherjee had any dispute regarding the adequacy of the compensation offered, he could apply before the Learned District Judge for evaluation and determination of the compensation.

Section 16(3) of the Indian Telegraph Act, 1885 enjoins that if any dispute arises concerning the sufficiency of the compensation to be paid u/s 10, clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is

situate, be determined by him.

The allegations as made in both the two complaints indicate that the complainants, in fact, allege that the competent authority has failed to discharge its duties wilfully and in abuse of power. But, the relevant provisions of the Indian Telegraph Act, as quoted above, speak of the Forum wherefrom the appropriate remedies are available to the complainants if they are unsatisfied with the compensation awarded to them by the competent authority.

Section 10(4) (c) of the West Bengal Lokayukta Act, 2003 provides that the Lokayukta may, in his discretion, refuse to investigate, or discontinue the investigation of, any complaint involving any allegation if, in his opinion other remedies are available to the complainant and, in the circumstances of the case, it would be more proper for the complainant to avail of such remedies.

The complainant Rahul Mukherjee in his deposition fairly submits that since the suits / cases before the concerned Courts of Law will take longer time, they did not approach the Courts of Law seeking remedies.

In view of the above, this Forum thinks that it will be just if the preliminary enquiry is closed.

Accordingly, the preliminary enquiry is **closed** and the complaints in connection with the aforesaid two cases are **dismissed**.

However, it is made clear that this order is passed without prejudice to the rights and contentions of the parties if the same are brought before any Court of Law or Forum or Authority in future point of time in accordance with Law.

Communicate this order to the complainants through Complainant No.1 Rahul Mukherjee.

Sd/-

Justice Rabindranath Samanta
Hon'ble Lokayukta

