

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.294 OF 2024**

Smt. Kalyani Deb and ors.
Vs.
The State of Tripura and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. K. Datta, Advocate.
For the Respondent(s) : Mr. Kohinoor N. Bhattacharjee, G.A.
Mr. B. Majumder, Sr. Advocate.
Mr. B. Paul, Advocate.

26.04.2024

Order

Heard Mr. K. Datta, learned counsel appearing for the petitioners as well as Mr. Kohinoor N. Bhattacharjee, learned counsel appearing for the State-respondent, and Mr. B.N. Majumder, learned Sr. counsel assisted by Mr. B. Paul, learned counsel appearing for the respondent-TSECL.

2. The brief fact of this case is that the petitioner applied for obtaining a Domestic Electric Connection on 30.10.2014. Subsequently, a complaint was submitted by Respondent No. 4. Accordingly, respondent No. 2 issued a letter for joint demarcation/verification of the land over which the petitioners are in possession. No demarcation/verification of the land was made and subsequently, the petitioners filed a representation for providing a Domestic Electric Connection in favour of them by letter dated 24.06.2020. No effective order/reply was furnished by the respondents in this regard. Being aggrieved by and dissatisfied with the conduct of the

Respondents, the petitioner filed a writ petition for getting redress and, accordingly, this Hon'ble High Court was pleased to pass an order dated 19.12.2022 referring the matter to the respondents to deal with the application filed by the petitioner in accordance with law and after considering the representation and application filed for obtaining a domestic electric connection. The respondents rejected the prayer of the petitioner and being aggrieved by the arbitrary act of the respondents the petitioner filed the present writ petition seeking the following reliefs:-

"Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders, direction/ directions of like nature shall not be issued whereby directing the Respondents to provide electric connection to the petitioners.

AND

Call for the records pertaining to the instant writ petition from the custody of the Respondents and make the Rules absolute after hearing the both sides

AND

Make the Rules absolute after hearing the Parties

AND

Pass any other order/orders as this Hon'ble High Court may consider fit and proper."

3. Mr. K. Datta, learned counsel argued that in the cancellation letter dated 27.01.2023, it is stated that the occupancy certificate has been canceled, so his client cannot be given the electricity connection. But the fact remains that the cancellation certificate clearly speaks that the occupancy certificate was canceled only on the ground that one revenue

proceeding is pending not on the ground that his clients were dispossessed. In fact, the possession is still with his clients.

4. Heard and perused the record.

5. It is seen from the record that in the application made by the petitioners for electricity connection to the respondents, documents required under Sections 4.16 and 4.19 of the Electricity Supply Code Regulation-2011 have not been annexed.

6. As such, this present writ petition is dismissed. However, the petitioners, if so advised, in the light of the cancellation order dated 27.01.2023, shall comply with the requirements as indicated by the Electricity Department and on submission of all required documents under Section 4.16 and 4.19 of the Electricity Supply Code Regulation-2011, the respondents shall consider the same in accordance with law as expeditiously as possible.

7. With the above observation, this present writ petition stands dismissed. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

RAJKUMAR
SUHANJIT
SINGHA

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SUHANJIT SINGHA
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