

Ct. 23
Item No.23
14.12.2020
(suvendu)

WPA 2509 OF 2020

Rajesh Santra
Vs.
WBSEDCL & Ors.

(Via Video Conference)

Mr. Rahul Karmakar
Ms. Kalyani Bhattacharyya
Mr. Mohim Chowdhury
..... for the petitioner

Mr. Amitabh Shukla
.....for the WBSEDCL

The petitioner has made an application for a new connection in the premises where according to the petitioner an existing connection is already there. The petitioner says that the existing connection is in the name of the petitioner's father and after his death the petitioner's mother and sisters are objecting in the petitioner enjoying of the electricity through the existing connection. A previous writ petition was filed which was dismissed on technical ground and by an order dated 5th December, 2019 the Appellate Court granted petitioner liberty to file a fresh writ petition in accordance with law disclosing full particulars. The present writ petition, according to the petitioner, is the one pursuant to the leave granted by the Appellate Court.

The petitioner has served the private respondents indicating that the matter will appear in the list on 18th February, 2020. No further notice has been served. The

private respondents, being the respondent nos. 5 to 8, remain unrepresented and as such their version is not available.

On behalf of West Bengal State Electricity Distribution Company Limited (for short, “WBSEDCL”) it is submitted that the connection could not be effected due to the objections raised by the private respondents. The licensee (WBSEDCL) is otherwise willing to give a connection.

The writ court while considering a writ in connection with granting of a new electricity connection, like that in the instant case, is not required to go into the *inter se* dispute between the writ petitioner and the private respondents. If the petitioner is entitled to a new electricity connection in terms of the provisions of Section 43 of the Electricity Act, 2003, he should be given electricity connection.

In the facts and circumstances as aforesaid, WBSEDCL should make all endeavour to give the petitioner a new connection within a period of twenty one days from date subject to the petitioner paying all money if not already paid and complying with all necessary statutory requirements. The granting of new connection to the petitioner will not create or extinguish any right in favour of the petitioner in respect of the premises wherein the petitioner intends to have the connection. WBSEDCL shall be free to seek police assistance at the cost of the petitioner if the WBSEDCL is resisted by the private respondents.

The writ petition is disposed of without any order as to costs.

Since no affidavit-in-opposition is called for, allegations contained in the writ petition are deemed to be denied.

Urgent xerox certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)