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15.12.2020  
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Ct23

**WPA 9915 of 2020**  
(Through Video Conference)

Sk. Ansar Ali  
Vs.  
West Bengal State Electricity  
Distribution Company Limited & Ors.

Mr. Gopal Chandra Ghosh,  
Mr. Sobhan Majumder  
... For the petitioner.

Mr. Srijan Nayak,  
Mrs. Rituparna Maitra,  
Mr. Arindam Mitra  
.... For WBSEDCL

Mr. Jahar Datta,  
Mr. Jaladhi Das  
.... For the State.

The writ petition has been filed on 1<sup>st</sup> December, 2020. A copy of the writ petition was served, informing that the same will be taken up on 3<sup>rd</sup> December, 2020. The respondent nos. 1, 2 and 3 are represented.

The envelope dispatched to the private respondent said to be containing the copy of the writ petition has comeback with the postal endorsement “refused”. The same is taken on record.

Respondent no.4, being the private respondent remains unrepresented but for the refusal, order can be passed in his absence.

The petitioner has applied for a new connection on 22<sup>nd</sup> June, 2020 before the West Bengal State Electricity Distribution Company

Limited (in short, WBSEDCL) to operate a mini tube-well for agricultural purpose. The petitioner says that WBSEDCL has refused to grant connection in view of the objection raised by the private respondent. The private respondent has objected to drawing of low-tension overhead line over his plots. The petitioner says that the plots referred to by the private respondent are admittedly joint properties and as such, the petitioner has as much right in respect thereof as much as can be claimed by the private respondent and the private respondent cannot in any manner object to the petitioner receiving the connection.

On behalf the WBSEDCL, it is submitted that the petitioner is required to arrange for the Way Leave so that the men of WBSEDCL can freely enter into the property, draw the low-tension overhead line and grant connection to the petitioner.

The petitioner, in view of the provisions of section 43 of the Electricity Act, 2003 and Rules and Regulations framed thereunder is entitled to an electricity connection, if not statutorily prevented, upon payment of the cost and expenses assessed by the licensee, in the instant case, WBSEDCL and other statutory compliance.

The inter se dispute between the co-owners of the plots cannot stand in the way to deprive the

petitioner from getting electric connection, if the petitioner is otherwise entitled to. In the instant case, after going through the objection raised by the private respondent in his letter dated 27<sup>th</sup> July, 2020, it prima facie appears that the plots of land through which the electricity connection is to be given to the petitioner are joint properties. The private respondent is objecting on the ground that the petitioner has installed several submersible pumps without the knowledge and consent of the private respondent, being a co-owner. As I have indicated, civil disputes inter se between the petitioner and the private respondent cannot stand in the way of the petitioner enjoying electricity if the petitioner is otherwise entitled to receive connection in law, the officials of WBSEDCL is directed to give a new connection to the petitioner subject to the petitioner complying with the statutory requirement and paying the necessary cost and charges. WBSEDCL, if necessary can avail police help, the cost whereof shall have to be also borne by the petitioner, for the purpose of executing the work to effect connection to the petitioner. The entire exercise for granting the new connection to the petitioner in terms of his application dated 22<sup>nd</sup> June, 2020 shall be completed within four weeks from date, subject to the petitioner paying necessary charges and due compliance of the statutory

requirements.

It is made clear that the findings as to the ownership of the plots are prima facie and I have not decided any civil dispute between the petitioner and the private respondent. The electricity connection if granted to the petitioner shall not create, abridge or extinguish any right either of the petitioner or the private respondent in respect of plots of lands bearing no.308, 716 and 839.

Nothing further remains to be adjudicated in the writ petition, the same is accordingly disposed of.

Since I have not called for affidavits, the allegations contained in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon usual undertakings.

**(Arindam Mukherjee, J.)**