

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 858 of 2019

Bijendra Prasad Gupta
-versus-
West Bengal State Electricity Distribution Co. Ltd. &
Ors.

**Mr. Pabitra Paul Chaudhury
Mr. Deborshi Dhar
Mr. Subhan Ghosh**

...for the petitioner.

**Mr. Sudipta Kanta Bhowmik
Smt. Dipti Bhowmik**

..for the W.B.S.E.D.C.L.

Mr. Bijay Bikram Das

...for Respondent Nos.5 to 7.

Pursuant to the direction passed on December 11, 2019, an inspection was carried out and such inspection report dated December 19, 2019, is filed before this court today. From the said inspection report, it appears that electricity connection to the petitioner could not be effected because of refusal by the private respondents to provide the Way leave. A voter identity card was submitted by the writ petitioner in support of his possession in the premises.

Learned advocate for the private respondents submits that the petitioner cannot have electricity connection since he is not in possession of the premises in question.

He refers to page 67 of the writ petition being Annexure P-11 to the writ petition, where it had been written by the concerned Station Manager of the distribution company on November 6, 2019 that the petitioner was not dwelling at the premises in question.

I do not find any reason to accept the contention of the private respondents. The private respondents themselves initiated an eviction proceeding against the writ petitioner by way of filing a title suit and the same is pending.

It is not in dispute that the petitioner was enjoying electricity through a sub-meter from the meter of the private respondents. The said connection had been disconnected which prompted the writ petitioner to file the present writ petition for obtaining a separate meter in his name.

It is not the case of the private respondents that the possession of the premises was ever surrendered in favour of them. The latest enquiry report dated 19th December, 2019, does not also reflect that the writ petitioner is not in possession of the premises.

In view of the aforesaid, the writ petition is disposed of directing the distribution company to effect electricity connection in favour of the writ petitioner.

The writ petitioner as well as the distribution company will be at liberty to approach the Officer-in-Charge of the local police station for rendering assistance for effecting such electricity connection in the event there is any resistance from the private respondents. Such connection will be effected by the distribution company within a period of 3 weeks from date.

It is, however, made clear that such electricity connection will not create any equitable right in favour of the writ petitioner in the pending suit for recovery of possession.

Urgent certified Photostat copy of this order, if applied for, be supplied expeditiously to the learned Advocates appearing for the parties on compliance of requisite formalities.

(Kausik Chanda, J.)