

MAT 119 of 2021
With
CAN 1 of 2021
Md. Alauddin
Vs.
West Bengal State Electricity Distribution Company
Limited & Ors.

Mr. Bhagbat Chowdhury
Mr. Sk. Nizamuddin
Ms. Barnali Gupta

... .. for the appellant

Mr. P. Das

... .. for the WBSEDCL

Mr. Animesh Paul

... .. for the respondent no. 5

This appeal is directed against the order of the learned Single Judge dated 18th January, 2021 whereby WPA 471 of 2020 filed by the respondent no. 5 herein (writ petitioner before the learned Single Judge) has been allowed and a direction has been issued to the respondent WBSEDCL to grant electricity connection to the writ petitioner within 31st January, 2021 subject to the writ petitioner's paying all costs and expenses.

The dispute lies in the narrow campus. The writ petitioner has purchased a shop at the ground-floor in the Diamond Plaza Apartment, Pandua, Hooghly by paying the consideration for the same and he had applied for the electricity connection in his shop but the same was not given on account of the resistance at the instance of the present appellant.

The stand of the appellant before the learned Single Judge was that it had incurred huge infrastructural expenses to get services at the building in question.

Therefore, the respondent no. 5 herein should not be allowed to get an electric connection without bearing the infrastructural expenses.

The learned Single Judge has considered the entire issue in detail and has found that the respondent No. 5 being a unit holder, is entitled to get the electric connection and the relationship between the appellant and the respondent no. 5 is governed by the registered deed dated 20th March, 2017 and there is no registered document providing for such a recovery. It has further been held that after having sold the shop to respondent no. 5 without any stipulation to realize any infrastructural expenses allegedly incurred by the appellant for service main, the appellant cannot realize any such cost. It has further been noted that there was no document produced permitting the appellant to recover such infrastructural expenses and the respondent no. 5 cannot be forced to draw the connection from the existing service main or the common meter board. Hence, a conclusion has been drawn that the respondent No. 5 is entitled to obtain the electricity connection from WBSEDCL.

Learned counsel for the appellant has fairly admitted before this Court that there was no contract existing between the appellant and the writ petitioner or predecessor-in-title of the writ petitioner to pay any infrastructural expenses.

Nothing has been pointed out to show that there was any legal impediment on the way of the writ petitioner (respondent no. 5 herein) to obtain the independent electricity connection from WBSEDCL.

In this view of the matter and also taking into account the circumstances and fact situation noted by the learned Single Judge, we are of the opinion that no error has been committed by the learned Single Judge in issuing a direction to WBSEDCL to grant electricity connection to the writ petitioner.

Hence, no case for interference in the order of the learned Single Judge is made out.

The appeal is accordingly dismissed.

Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)