

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

(Via Video Conference)

WPA 2579 of 2020

Saral Priya Haldar
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

Mr. Uddipan Banerjee
... For the petitioner

Ms. Sonal Sinha
... For WBSEDCL

Mr. Sujit Saha
Mr. Sk. Aktar Hossain
... For the respondent no.3

The petitioner applied for a new connection. An inspection has also been conducted by West Bengal State Electricity Distribution Company Limited (in short, “WBSEDCL”) and a quotation has been raised on the petitioner. The petitioner has paid the amount as per the quotation on 23rd April, 2018. Despite such payment, the connection could not be given to the petitioner due to objections made by the private respondent no.3.

The private respondent no.3 is represented by an advocate who is physically present in Court. It is submitted on behalf of the said private respondent that the petitioner is an unauthorised occupant. On query from Court, it is submitted by the said private respondent that no steps have been taken by the private respondent as regard the alleged unauthorised occupancy of the petitioner.

The said private respondent by making bald allegation and without taking any steps cannot object to the petitioner's getting a new connection at the portion said to be under alleged unauthorised occupation by the petitioner. This is more so when the possession of the petitioner so far as the unauthorised portion is concerned is admitted by the said private respondent.

WBSEDCL is directed to give connection to the petitioner within 11th January, 2021 subject to the petitioner making all payments, if not already made and complying with the statutory requirements. It is expected that the said private respondent shall cooperate with the officials of WBSEDCL as also with the petitioner at the time of installing a new meter and granting a new connection to the petitioner through the newly installed meter.

The Officer-in-Charge, Joypur Police Station, Joypur, Howrah (respondent no.4), is directed to see that there is no breach of peace in and around the petitioner's premises at the time when WBSEDCL installs the new meter or gives the new connection to the petitioner through the same.

It is made clear that granting of electricity to the petitioner in terms of this order shall neither create any new right or abridge or extinguish any prevailing right of the petitioner so far as the premises in question is concerned.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

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

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)