

AD. 24.
December 21, 2021.
MNS.

(Through Video Conference)

WPA No. 5437 of 2021

Sk. Moktar Ali

Vs.

The West Bengal State Electricity
Distribution Company Limited and others

Mr. Uddipan Banerjee

... for the petitioner.

Mr. Kanak Kiran Bandopadhyay

...for the WBSEDCL.

Ms. Juin Dutta Chakraborty

...for the private respondent.

Learned counsel for the petitioner contends that, despite having applied for a new electric connection at the premises-in-question, in respect of which the petitioner is a premises tenant, the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') has yet been unable to give such connection, primarily due to the obstruction created by the private respondent.

Learned counsel appearing for the WBSEDCL indicates that the petitioner is yet to provide adequate facility to the WBSEDCL for providing earthing in respect of the proposed new connection and no 'way leave' permission has been submitted by the petitioner.

It appears from the materials on record as well as the submission made by learned counsel for the parties that admittedly an eviction notice was issued to the petitioner by the private respondent-landlord. Although it is doubtful as to whether any litigation has been initiated on the basis thereof, it is clear that there is no subsisting order of injunction restraining the WBSEDCL from giving a new connection to the petitioner. That apart, the petitioner is entitled under Section 43 of the Electricity Act, 2003 to get such connection, if otherwise feasible.

Since the WBSEDCL has no objection otherwise than as indicated above, there cannot be any hindrance created by the private respondent to the petitioner getting a new electric connection since, in the same breath, the private respondent is restraining the petitioner from taking electric supply from the existing connection, which is in the name of the private respondent.

Hence, WPA 5437 of 2021 is disposed of by directing the WBSEDCL to hold a further inspection for the purpose of ascertaining the feasibility of giving a new connection at the existing meter board position of the premises-in-question in favour of the petitioner.

In the event the petitioner complies with all due formalities, as indicated by the WBSEDCL and as required under the law, the WBSEDCL shall hold the inspection as expeditiously as possible, preferably within a week after the petitioner intimating the WBSEDCL as

regards the petitioner having complied with all due formalities as required by the WBSEDCL. The private respondent's men and agents shall be restrained from creating any obstruction to such inspection being held and/or such connection being given, if technically and legally feasible.

In the event any such obstruction is created at the time of such inspection and/or giving new connection, the WBSEDCL personnel will be at liberty to approach the respondent no. 4, the Officer-in-Charge of Amta Police Station, for adequate police assistance in that regard. If so approached, the respondent no. 4 shall grant such police assistance to the personnel of the WBSEDCL at the costs of the petitioner.

It is made clear that the above directions are subject to any order, if passed in connection with the civil suit.

In the circumstances of the present case, it is further clarified that the new connection, if otherwise feasible, shall be given by the WBSEDCL irrespective of whether any 'way leave' permission is submitted by the private respondent or not.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)