

28-05-2021

ct no. 13

Sl.13

pk/akd

**WPA 10518 of 2021
(Through Video Conference)**

**Sri Fulkumar Ghosh
Versus
WBSEDCL and others**

**Mr. B. Ghosh,
Mr. Avirup Chatterjee
... for the petitioner**

**Mr. Rammohan Chattopadhyay
... for the WBSEDCL**

**Mr. T. K. Adhikari,
Mr. Bipin Ghosh
... for the State.**

Affidavit of service filed in Court be kept
with the record.

Mr. Rammohan Chattopadhyay, learned
counsel appearing for the WBSEDCL, on
instructions, submits that the petitioner was a
tenant under the meter holder consumer
landlord. The landlord was earlier paying
electricity charges. There is due and owing
against the said meter of the landlord a sum of
Rs.6615/- as on date of disconnection. It is
further submitted by WBSEDCL that there is a
civil dispute pending between the petitioner
and his landlord for eviction on the ground of,
inter alia, reasonable requirement.

It is now well settled that electricity is a very basic necessity and even a trespasser is entitled to the same.

In those circumstances, the petitioner cannot be deprived of electricity. The WBSEDCL shall without prejudice to the rights and contentions of the petitioner or his landlord in the pending civil suit or any other claims, furnish electricity connection to the petitioner in his independent name. The said connection shall be afforded to the petitioner upon payment of 70 per cent of the pending dues against the electricity meter of the landlord. Any sum that the petitioner may have already paid to the landlord, he shall be entitled to claim either in the pending civil suit or in any other proceeding in accordance with law.

The electricity connection to the petitioner shall be furnished within a period of one month from date.

Needless to mention that the petitioner shall comply with all and/or any other formalities as may be required by the WBSEDCL in this regard. It is once again clarified that the electricity connection furnish to the petitioner shall not confer any special right to him towards the landlord and/or the

pending civil suit between the landlord and the writ petitioner.

It is submitted by the WBSEDCL that a large number of other occupants are there in the said premises and there may be breach of peace in the process of affording the aforesaid electricity connection.

The O. C., Domjur Police Station shall furnish all necessary help to the WBSEDCL at its request and at the cost of the writ petitioner for the purpose of carrying out the aforesaid order.

The petitioner shall serve a copy of this order upon the landlord.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order.

(Rajasekhar Mantha, J.)