

21/06/2021
Item No.18.
Court No.39.
AB

Through Video Conference

W.P.A. 10596 of 2021

Ramesh Chandra Saha

Vs

**The West Bengal State Electricity Distribution
Company Ltd. & Others**

Mr. Rahul Karmakar ...for the Petitioner.

Mr. Rammohan Chattopadhyay
...for the Respdt 1 to 4.

Mr. Mrinal Kanti Ghosh ...for the Respdt. 6.

The writ petitioner prays for a separate electric connection for a shop room being run by and in the possession of the petitioner in the premises of which the respondent no.6 is the landlord.

Learned Counsel for the petitioner submits that the petitioner made an application for a new electric connection in November, 2020, which was kept pending by the respondent no.1 on the pretext of a court case pending in relation to the premises where the petitioner is the tenant. Counsel submits that the Court case was filed by the respondent no.6 being a suit for eviction against the petitioner before the learned First Court, Junior Civil Division, Malda in March, 2010. Learned Counsel submits that a second

appeal was filed by the petitioner from the said proceeding before this Court wherein by an order dated 6th October, 2015, the private respondent was restrained from putting the decree of eviction into execution till disposal of the appeal subject to the petitioner depositing arrear occupational charges as directed by the order of the Division Bench of this Court. Counsel submits that the order passed in the second appeal is continuing as of date and that the petitioner is continuing to pay the occupational charges for the shop room. The petitioner presently needs a new electricity connection for the shop room.

Learned Counsel appearing for the respondent nos.1 to 4 submits that a new electric connection can only be considered after inspection of the premises in question and that the respondents have made several attempts to inspect the premises but have not been able to do so till date.

Learned Counsel for the private respondent submits that the concerned shop room has not been operational since 2010 and that the medical shop was being run by the petitioner without a drug licence. It is also submitted that the medical shop is not being run from the suit premises.

Upon hearing learned Counsels, this Court is of the view that since the respondent nos.1 to 4 had expressed their willingness to consider giving a new

electricity connection to the premises from which the petitioner is running the medical shop, let such inspection be carried out on 23.06.2021 at 11 a.m., as suggested by Counsel appearing for the concerned respondents. The petitioner will keep the key of the shop room available before such inspection. The respondents will consider whether a new connection can be given to the shop within six weeks from the date on which the inspection is carried out and upon the requisite statutory compliances being fulfilled by the petitioner.

Since the private respondent submits that the medical shop is not being run from the suit premises, the objection taken by the private respondent to the prayer in the writ petition is without any basis.

Since the respondent nos.1 to 4 apprehend disturbance at the time of inspection, the said respondents will be at liberty to seek police assistance at the time of inspection, if deemed necessary.

W.P.A. No.10596 of 2021 is disposed of in terms of the above.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Moushumi Bhattacharya, J.)

