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WPA No.18674 of 2021

Premnath Kairi
Vs.
West Bengal State Electricity Distribution
Company Limited and others

(Via video conference)

Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mr. Abhishek Bose

.... for the petitioner

Ms. Bandana Basu

....for the WBSEDCL

Mr. Tapodip Gupta

....for the private respondent nos.5&6

The petitioner contends that the petitioner is a co-owner of the property, to which new electric connection was sought by the petitioner, and runs a tea stall therefrom. It is contended that, due to obstruction being raised by the private respondents, the Distribution Company is unable to give such new connection to the petitioner.

Learned counsel appearing for the Distribution Company contends that the petitioner has not

complied with all formalities for the purpose of giving such new connection.

Learned counsel for the private respondents contends that the property was mutually divided between the private respondents and the petitioner and stands in the name of the private respondent no.6. As such, it is contended that it will be extremely cumbersome for the private respondents and an intrusion on their privacy, in the event an electric connection is given from the existing meter.

Upon hearing learned counsel for the parties, it is clear that there is a dispute regarding the ownership of the property-in-question. However, since the petitioner is admittedly an occupier of the premises-in-question, there cannot otherwise be any impediment in giving a new connection.

Accordingly, WPA No.18674 of 2021 is disposed of by directing the respondent-Distribution Company to ensure that, subject to compliance of all formalities in accordance with law and procedure on the part of the petitioner, and payment of all requisite charges, the Distribution Company shall give a new electric connection to the petitioner at the premises-in-dispute. Such connection shall be given as expeditiously as possible after due compliance of formalities and deposit of requisite amounts by the

petitioner, preferably within a fortnight after such compliance.

It is, however, made clear that the electric connection to the premises of the petitioner shall not create any equity in favour of the petitioner and that this court has not gone into the rival contentions of the private parties regarding the respective right, title and interest of the petitioner and the private respondents at all.

In the event any obstruction is created by the private respondents and/or any third party in giving such connection and/or holding a prior inspection, the Distribution Company's officials will be at liberty to approach the respondent no.4 herein, being the Inspector-in-Charge, Chinsurah Police Station, to give adequate police help for the purpose of such installation.

In the event such an approach is made, the respondent no.4 shall act on the written communication of the learned Advocates for the parties, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof, for the purpose of giving adequate police help at the cost of the petitioner to execute the necessary work to be done by the Distribution Company for the purpose of giving such new

connection and/or taking any inspection in that regard.

Since affidavits have not been invited in this matter, all the allegations made in the writ petition are deemed to be denied.

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.)