

03
21.12.2021
TN

WPA No.21911 of 2018
IA No: CAN 1 of 2020

Nashiruddin Molla
Vs.
The State of West Bengal and others

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Mr. Snigdha Saha,
Mr. Pronay Basak

.... for the petitioner

Mr. Jahar Datta,
Mr. Bipin Ghosh

.... for the State

Mr. Sujit Sankar Koley

.... for the WBSEDCL

Affidavit-of-service filed in court today be kept
on record.

The added private respondents are not
represented through counsel at the time of hearing,
although service has been effected on them.

Learned counsel for the petitioner contends that
since the petitioner has deposited the necessary
requisite amount and complied with all formalities for
getting a new electric connection, the Distribution

Company, within the scope of Section 43 of the Electricity Act, 2003, is duty-bound to give such connection immediately to the petitioner.

However, learned counsel appearing for the Distribution Company specifically contends that the private respondents, who have been added as parties to the writ petition, have raised specific objections to the new connection being given to the petitioner. It appears, upon perusal of the materials on record, that certain persons had also filed a representation in favour of the petitioner, asking the Distribution Company authorities to give such connection.

On the contrary, specific objections have been raised in that regard by the added private respondents as per the Distribution Company.

In such view of the matter, since admittedly there is a dispute as regards giving the new connection to the petitioner, it would be premature to direct police assistance to be given for the Distribution Company to give such connection without deciding on the fate of the said objections.

Under the law, the District Magistrate is the appropriate authority for deciding such objections.

Accordingly, WPA No.21911 of 2018 is disposed of by giving liberty to the petitioner as well as the Distribution Company to approach the concerned

District Magistrate at the earliest with the grievances raised in the present writ petition.

IA No: CAN 1 of 2020 is also disposed of accordingly.

If so approached, the District Magistrate shall decide on such objections as expeditiously as possible, preferably within four weeks from the date of reference to the District Magistrate.

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.)