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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 401 of 2022

**Saswati Deyati Ghosh @
Saswati Ghosh**

-vs.-

**The West Bengal State Electricity
Distribution Company Limited & Ors.**

Mr. Biswajit De,
Mr. Debabrata Chakraborti,
Ms. Somoshree Saha,
Ms. Mousumi Arji
...for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra
...for the WBSEDCL

Mr. Himadri Sikhar Chakraborty,
Mr. K.M. Hossain
...for the State-respondents

Mr. Siddhartha Sarkar,
Mr. Debasish Chattopadhyay
...for the respondent no. 6

Learned counsel for the petitioner argues that, despite the petitioner being a tenant in respect of the disputed premises, the West Bengal State Electricity Distribution Company (WBSEDCL) is being obstructed from giving electric connection in the name of the petitioner, although the petitioner has complied with the basic formalities, by the respondent no. 6 and its men and agents.

It is submitted by learned counsel appearing for the WBSEDCL, in similar tune with the petitioner, that due to the obstruction raised by the private respondent no. 6, no connection could be given to the petitioner.

Learned counsel appearing for the private respondent no. 6 submits that the property-in-question is a trust property, which was previously being used by the petitioner for running a shop room. However, at present, the said shop room is lying closed and no business is being run therefrom. Moreover, it is contended by learned counsel for the private respondent no. 6 that at the behest of the petitioner herself, the previous electric connection given to her was severed.

Such contention is controverted by learned counsel appearing for the petitioner, who submits that even at present, the petitioner is running a business from the premises-in-question.

In the present case, it is not disputed that the petitioner has been in possession of the premises, apparently in the capacity of a tenant. As such, Section 43 of the Electricity Act, 2003 confers a right on the petitioner/occupier to have electric connection at the premises-in-question and the WBSEDCL is duty-bound to give such connection

subject to compliance of all requisite formalities by the petitioner.

Although it will be open to the respondent no. 6 to initiate legal proceedings against the petitioner on other scores, no objection can be raised by the respondent no. 6 to the petitioner enjoying electric connection as long as the petitioner is in occupation of the premises.

Accordingly, W.P.A. No. 401 of 2022 is allowed, thereby directing the WBSEDCL to give electric connection to the petitioner at the premises-in-question at the earliest, positively within a fortnight from the compliance of all formalities by the petitioner or this day, whichever is later.

In the event the WBSEDCL personnel face any obstruction from any quarter, including the respondent no. 6 or its men and agents, it will be open to the said personnel to approach the respondent no. 4, that is, the Inspector-in-Charge/Officer-in-Charge, Sankrail Police Station, for adequate police assistance in that regard.

If such an approach is made, the respondent no. 4 shall act on a server copy of this order and grant immediate police assistance to the WBSEDCL personnel, at the cost of the petitioner, for the limited purpose of giving access to the WBSEDCL

personnel to the meter board location for the purpose of giving such connection to the petitioner.

It is made clear that in the event any padlock or other appliance is affixed to prevent the access of the WBSEDCL personnel to the meter board location, it will be open to the police personnel to break open such padlock or deactivate such appliance.

Needless to say, the grant of electric connection in the name of the petitioner shall not, *ipso facto*, create any special equity or right in favour of the petitioner.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)