

8th February,
2022
(AK)
01

W.P.A 1482 of 2022

Jayanta Pakre
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

(Via Video Conference)

Ms. Sikha P. Chowdhury
...for the petitioner.

Mr. Srijan Nayak
Mrs. Rituparna Maitra
...for the WBSEDCL.

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

Despite service none appears for the private respondent, although the petitioner and the Distribution Licensee are represented through counsel.

Learned counsel for the petitioner argues that although the petitioner has constructed a house on the property, of which the petitioner's father (the respondent no.6) is the owner, the petitioner has applied for new electric connection in his own name pursuant to his rights under Section 43 of the Electricity Act 2003; however, respondent no.6 and his men and agents are creating obstruction to the Distribution Licensee giving such connection.

Such stand is corroborated by learned counsel for the Distribution Licensee insofar as the allegation of resistance created by respondent no.6 and his men and agents is concerned.

Since the private respondent chooses not to appear despite service, the matter is taken up *ex parte* in the absence of the private respondent.

As per Section 43 of the Electricity Act 2003, as rightly submitted by the petitioner, the petitioner has a right to have an electric connection to his premises in his own name as occupier of the premises.

Hence, the respondent no.6 and/or his men and agents cannot resist such electric connection being given to the petitioner.

Accordingly, WPA 1482 of 2022 is allowed, thereby directing the WBSedCL to give new electric connection in the name of the petitioner as per the petitioner's application, subject to compliance of all formalities by the petitioner, irrespective of production of any "*Way Leave certificate*", at the earliest, preferably within three weeks from date or upon compliance of formalities, whichever is later.

In the event the respondent no.6 and/or his men and agents create any obstruction to the access of the WBSedCL personnel in giving such connection to the petitioner, the WBSedCL personnel will be at liberty to

approach the respondent no.5, the Officer-in-charge of the Pandua Police Station, for adequate police assistance.

If so approached, the respondent no.5 shall provide such assistance for the limited purpose of the Distribution Licensee personnel having access to the meter box location. Such assistance will be granted at the cost of the petitioner.

It is made clear that if any padlock is affixed on the way of access of the said personnel to the meter board position, it will be open to the police personnel to break open such padlock for the limited purpose of giving access to the WBSEDCL personnel for giving connection to the petitioner.

The parties shall act on the written communication of the learned Advocates for the parties, coupled with server copy of this order, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)