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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 4988 of 2022

Shashi Kanta Singh
-vs.-
The State of West Bengal & Ors.

Mr. Pintu Karar,
Mr. Akashdeep Mukherjee
...for the petitioner

Mr. Kamalendu Ghose,
Mr. Raja Ghosh
...for the State

Dr. Madhusudan Saha Roy
...for the WBSEDCL

Despite service, none appears for the private respondent nos. 6 to 13, although the petitioner served copies of the writ petition on the said respondents at their addresses as disclosed by the said respondents themselves in a proceeding before the criminal court under Section 133 of the Code of Criminal Procedure. Although the envelopes have returned with the endorsement "insufficient address" insofar as the said respondent nos. 6 to 12 are concerned, in view of the petitioner having sent the copies to the addresses as disclosed by the said respondents themselves in a different proceeding, it is deemed that the respondent

nos. 6 to 12 are deliberately avoiding service. Affidavit-of-service filed in Court today be kept on record.

The grievance of the petitioner is that, despite the petitioner having complied with preliminary formalities, no connection is being given by the WBSEDCL to the petitioner as per the petitioner's application. It is submitted that the proforma respondent no. 13, who is the landlord of the petitioner in respect of the premises-in-question, has already given a no-objection in that regard.

Learned counsel appearing for the Distribution Licensee, in his usual fairness, contends that although an objection was raised initially by respondent no. 6 through an advocate's letter in respect of installation of the transformers necessary to give electric connection to the petitioner, subsequently the transformers have been installed at their proposed locations, thereby rendering the said objection infructuous.

Upon considering the contentions of learned counsel for the petitioner, the Distribution Licensee and the State, this Court is of the opinion that the petitioner is entitled, under Section 43 of the Electricity Act, 2003, to get an electricity connection at the premises-in-question, particularly since the proforma respondent no. 13, that is, the landlord of the petitioner, has no objection thereto.

Since the transformers required for such purpose have already been installed, further service on the respondent nos. 6 to 13 is deemed unnecessary.

Hence, W.P.A. No. 4988 of 2022 is disposed of by directing the WBSEDCL to give a new electricity connection to the petitioner within three weeks from date, subject to compliance of all formalities by the petitioner.

In the event any obstruction is raised from any quarter to giving such connection, it will be open to the WBSEDCL personnel to approach the respondent no. 5, the Officer-in-Charge, Jagacha Police Station, for adequate police assistance. If so approached, the respondent no. 5 shall act on the written communication of the learned advocate for the petitioner/WBSEDCL, 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 protection to the WBSEDCL personnel for giving such connection to the petitioner, at the cost 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.)