

12
20.06.2022
TN

WPA No.9401 of 2022

Nisith Kumar Das
Vs.
The West Bengal State Electricity Distribution
Company Limited (WBSEDCL) and others

Ms. Pampa Dey (Dhabal),
Mr. Balaram Pandit

.... for the petitioner

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

.... for the WBSEDCL

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal

.... for the private respondent no.6

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

Learned counsel for the petitioner submits that
the petitioner, despite being in settled occupation of
the disputed property, is not being given new
electricity connection by the WBSEDCL, due to the
resistance created by the private respondent no.6.

Learned counsel appearing for the WBSEDCL
submits that the respondent no.7, the father of the
petitioner, who was the erstwhile consumer of the
electricity meter initially standing at the said property,

left unpaid huge outstanding dues. Subsequently, at the behest of the respondent no.7, the electricity supply has been disconnected. As such, the petitioner has to deposit the outstanding amounts of dues for getting a new connection. Subject to such deposit and compliance of other formalities by the petitioner, the WBSEDCL has no impediment in giving such electricity connection.

Learned counsel appearing for the respondent no.6 submits that the respondent no.7 gifted the property to the respondent no.6. Although the petitioner is apparently in physical possession of the property (although such possession is disputed by the respondent no. 6), the respondent no.6 apprehends that in the event the petitioner commits default in respect of payment of electricity dues, if any connection is given to the petitioner, the respondent no.6 shall suffer the consequences of the same while taking a new electricity connection in the name of the respondent no.6.

That apart, the respondent no.6 apprehends that the petitioner may claim a right, title or equity in respect of the property by displaying the electricity connection, if given in his name.

Under Section 43 of the Electricity Act, 2003, as rightly contended by the petitioner, a settled occupier is entitled to electricity at a premises.

Since, in the present case, the petitioner is in admitted occupation of the property, there cannot be any impediment otherwise for the WBSEDCL to give electricity connection to the petitioner, irrespective of the objection taken by the respondent no.6, subject to clearance of outstanding dues of the petitioner and compliance of all other formalities, if any.

Accordingly, WPA No.9401 of 2022 is disposed of by directing the WBSEDCL to give new electricity connection to the petitioner subject to the petitioner paying the outstanding dues in respect of the previous electricity meter, which has since been disconnected, standing at the property and subject to compliance of other formalities, if any. Such connection shall be given by the WBSEDCL irrespective of the objection taken by the private respondents within a week from the compliance of all formalities by the petitioner, including payment of the outstanding dues.

It is, however, made clear that merely by virtue of taking the electricity connection in his name, the petitioner shall not be entitled to claim any special equity, right, title and/or interest in respect of the disputed property. Moreover, in the event any legal

action, including for eviction, is taken out by the private respondent no.6 against the petitioner, the court before which such proceeding is initiated shall decide the same in accordance with law without being influenced in any manner by any of the observations made herein.

In the event any obstruction is raised by the private respondents in giving such connection to the petitioner subject to the compliance of all formalities as indicated above, it will be open to the WBSEDCL personnel to approach the respondent no.5-the Officer-in-Charge (O.C.), Dadpur Police Station for adequate police assistance. If so approached, the respondent no.5 shall grant such assistance to the WBSEDCL personnel for the limited purpose of giving electricity 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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)