

09
21.06.2022
TN

WPA No.10074 of 2022

Smt. Arati Das
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. Mukteswar Maity,
Mr. Prabir Rej

.... for the petitioner

Mr. Koushik Roy

.... for the WBSEDCL

Mr. Moniruzzaman

.... for the respondent no.5

Learned counsel for the petitioner contends that due to resistance put up by the private respondent no.5, the West Bengal State Electricity Distribution Company Limited (for short “WBSEDCL”) is not being able to give electricity connection to the petitioner.

Learned counsel for the WBSEDCL corroborates such contention.

Learned counsel appearing for the private respondent no.5 submits that, in a suit for partition filed by the petitioner, a preliminary decree was passed, against which an appeal is pending at present. Since the matter is *sub judice* and the

petitioner is only a co-owner in respect of the property, it is submitted that no separate meter room can be constructed by the petitioner.

Considering the submissions of the parties, it is borne out from the facts that the petitioner is admittedly one of the co-owners of the property and has sought for an electricity connection in the petitioner's name. Section 43 of the Electricity Act, 2003 gives such right to an occupant. Since the petitioner is in settled occupation of the property, *albeit* as a co-owner, the petitioner is entitled to get an electricity connection to the premises.

Accordingly, WPA No.10074 of 2022 is allowed, thereby directing the WBSEDCL to give an electricity connection in the name of the petitioner, subject to the petitioner complying with all necessary formalities for getting such connection, including the construction of a meter room, if required. However, the construction of such meter room by the petitioner cannot be construed in any manner to confer/create any special equity, right or interest in favour of the petitioner in respect of the portion of the property where such meter room is installed, if at all.

In the event the WBSEDCL personnel face any obstruction from the private respondent no.5 and/or his men and agents in giving such electricity

connection to the petitioner, of course, subject to compliance of all formalities by the petitioner, it will be open to the WBSEDCL personnel to approach the respondent no.4, the Officer-in-Charge, Burdwan Police Station, who will render necessary assistance to the said personnel for the purpose of giving the electricity connection to the petitioner, at the cost of the petitioner.

This order shall not affect or prejudice the rights and contentions of the parties in the pending civil appeal.

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.)