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15.09.2022
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 11156 of 2022

Smt. Gurudasi Basu
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Gopal Chandra Ghosh,
Mr. Rajkrishna Mondal
... for the petitioner

Mr. Partha Ganguly
...for the WBSEDCL

Mr. Amal Kumar Dutta
...for the private respondents

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) files a report indicating that the WBSEDCL is agreeable to bear the expenses for installation of electricity poles necessary to give electricity connection to the petitioner over the route as depicted in the hand sketch map annexed to the report. The report be made part of the records.

Learned counsel for the private respondents, even after repeated perusal of the sketch map, is unsure as to which portion the private respondents have objection to.

Be that as it may, it appears from the report that the premise of the objection of the private respondents is that a partition suit is pending between the private respondents, the petitioner and others and the property is a common property. There is a civil dispute, for which the connection is being obstructed by the private respondents.

However, the mere pendency of a partition suit or the fact that the property is a co-ownership property does not deter the WBSEDCL from giving electricity connection to the petitioner, to which the petitioner is entitled in law within the conspectus of Section 43 of the Electricity Act, 2003.

Hence, W.P.A. No. 11156 of 2022 is disposed of by directing the WBSDECL to give electricity connection to the petitioner over the route proposed by the WBSEDCL in the hand sketch map annexed to the report filed today.

In the event any obstruction is raised by the private respondents to such connection being given to the petitioner, it will be open to the WBSEDCL personnel to approach the local police station for adequate police assistance in that regard.

If so approached, the Inspector-in-Charge/Officer-in-Charge, as the case may be, of the local police station shall provide, at the cost of the petitioner, such adequate assistance to the WBSEDCL personnel

necessary for installation of the electricity poles and giving such connection to the petitioner.

It is expected that the connection shall be given to the petitioner as expeditiously as possible, upon compliance of all formalities by the petitioner.

However, it is made clear that as per the submission made on behalf of the WBSEDCL, the ancillary expenses of erecting the electricity poles for giving such connection to the petitioner shall be borne by the WBSEDCL.

This Court expresses its appreciation for the fair stand taken by the WBSEDCL keeping in view the petitioner's financial condition. However, it is made clear that the part of this order, which relates to the WBSEDCL bearing the expenses for installation necessary electricity poles, shall not be a precedent and has been directed in the peculiar facts and circumstances of the case as well as on the consent given under such special circumstances by the WBSEDCL.

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.)