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04.08.2022.
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 14756 of 2022

Sanjay Shaw

-vs.-

West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Soumyen Datta,
Mr. Tapas Singha Roy
...for the petitioner

Ms. Sima Sengupta
...for the WBSEDCL

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

Although the petitioner and the respondent-
authorities are represented through counsel, none
appears for the private respondents despite service.

The petitioner is the purported owner of the
premises where the private respondents are enjoying an
electricity connection. It is submitted by learned counsel
for the petitioner that the private respondents are
unauthorized and illegal occupiers of the premises. As
such, it is argued, the private respondents are not entitled
to electricity connection at all. It is further reiterated that
even at the juncture of giving such electricity connection
to the private respondents, the petitioner raised an
objection.

Learned counsel appearing for the Distribution Licensee argues that it is a well-settled position of law that a settled occupant is entitled to electricity in the property irrespective of the illegality or legality of the possession.

The submission of the West Bengal State Electricity Distribution Company Limited (WBSEDCL) is, thus, justified and hence accepted.

W.P.A. No. 14756 of 2022 is disposed of with liberty to the petitioner to approach the competent civil court and/or any other competent legal forum, seeking appropriate relief against the private respondents.

It is further clarified that the electricity connection in favour of the private respondents shall not create any special equity or right in favour of the private respondents.

It is made clear that this Court has not entered into the merits of the contentions made by the writ petitioner against the private respondents and it will be open to any forum approached by the petitioner in future to decide on the relevant issues independently without being influenced in any manner by any of the observations made in this order.

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.)