

S/L 28
10.11.2022
Court No.652
SD

CO 1744 of 2021

Sanjoy Chowdhury

Vs.

The West Bengal State Electricity Distribution Co. Ltd. &
Ors.

Mr. Bhaskar Chandra Manna

...for the Petitioner.

Mr. S.S. Koley

...for the WBSEDCL.

Affidavit of service filed by the petitioner in court today be kept with the record. Opposite party no. 4 & 5 are not represented.

Being aggrieved and dissatisfied with the order dated 13.6.2016 passed by the learned Civil Judge (Junior Division), 6th Court, Howrah in Title Suit No.1440 of 2015, the present revisional application has been preferred.

The petitioner has contended that the petitioner is the owner of the plot no.1049 measuring 1 katha 4 chittak in Jagachha, Howrah under the Howrah Municipality area. The petitioner constructed a pacca building in the aforesaid land for his residential purpose, after purchase, in the year 2009.

After construction of his residential house, the petitioner made an application before the electricity authority for effecting new service connection to the said premises of the petitioner. After considering the application and after due enquiry on spot for supply of new service connection, the respondent authority issued quotation with a direction to deposit of Rs.25,250/- for service connection charges and the petitioner accordingly deposited the said amount through bank challan.

Subsequently, the Station Manager of the respondent authority issued a letter to the petitioner dated 16.02.2016 wherein the Station Manager contended that he is not effecting new service connection due to court case/objection (objection case no.23/2016) received from Md. Wasiur Rahaman (the opposite party no.4 herein) on 11.02.2016. Due to said notice, the petitioner and his family members are seriously suffering due to non-supply of electric connection. In fact, there is a path way which is used for egress and ingress to the residential house of the petitioner from the main road and the petitioner applied for electric connection to his premises through the over head line over the path way and there is no question of any disturbance of the said opposite party no.4 in any way. But due to personal grudge, the said opposite party is trying to harass the petitioner unnecessarily for non-supply of the electric line to the petitioner.

He further contended that electric connection is an essential service and the petitioner should not be deprived in any way from getting electricity but the electric authority is silent to do their statutory duties for supply of the electric connection and nobody has right to do such mischief or harassment to the petitioner, who is a serious diabetic aged patient and also suffering from serious asthma.

The petitioner also moved a writ petition before the Hon'ble High Court being WP 29831 (W) of 2016 with a prayer for direction to the respondent authority to give the electric connection to the petitioner. But unfortunately, the said writ petition was dismissed. Against the said order of dismissal dated 02.02.2018, an appeal was preferred with an application

for interim order which is still pending. Since the authority did not effect the service connection to the premises, the petitioner has no alternative way but to file the present revisional application for appropriate remedy.

Mr. S.S. Koley, learned counsel appearing on behalf of the WBSEDCL, submits that the said authority has no objection in effecting service connection to the premises of the petitioner but due to obstruction raised by private respondent they could not execute the same.

On perusal of the impugned order dated 25.8.2015 and the order dated 13.6.2016, it appears that learned counsel representing the defendant submitted before Trial Court that the order dated 25.8.2015 does not adversely affect defendant's interest and as such, the defendant prayed that the said order may be continued till disposal of the suit and accordingly, by the order dated 13.6.2016, the order of injunction dated 25.8.2015 was confirmed. So far as the present petitioner's grievance that he is not getting electricity in his premises appears to have no direct connection with the order impugned, as the defendant/petitioner had consented for confirming the impugned order dated 25.8.2015 and as such, the impugned order dated 25.8.2015 was confirmed, by the other impugned order dated 13.06.2016.

Accordingly, I do not find any merit in the present revisional application.

The present revisional application being C.O. 1744 of 2021 is accordingly disposed of granting liberty to the petitioner to approach before the learned trial court or before the appropriate authority for getting electric connection in the

premises of the petitioner within four weeks from the date of communication of the order and if any such prayer is made before the trial court or before the appropriate authority, the said application shall be disposed of at the earliest preferably within a period of six weeks.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)