

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 15725 of 2022

Arabinda Roy
Vs.
The West Bengal State Electricity
Distribution Co. Ltd. & Ors.

Mr. Bhagbat Chowdhury,
Ms. Komal Singh,
Mr. Somesh Kumar Ghosh
...for the petitioner

Ms. Mitali Bhattacharyya
...for the WBSEDCL

Although the private respondent was represented through counsel on September 19, 2022, thereafter the said private respondent has chosen not to appear in the matter when the same is called on for hearing.

A supplementary affidavit filed today by the petitioner, pursuant to a previous leave granted by this Court, be kept on record.

Initially the WBSEDCL had objected to give electricity connection to the petitioner on the ground that litigation was pending. However, subsequently, learned counsel for the WBSEDCL produced a letter, which has been annexed by the petitioner at page 5 of the supplementary affidavit filed today. It contains a dispute raised by the added private respondent as regards the legality of the construction made by the

petitioner. It is seen from the said objection that the same reflects a communication by the private respondent to the Board of Councillor, Uluberia Municipality, to the effect as indicated above.

However, *ipso facto* such objection cannot deter the WBSEDCL from giving electricity connection to the petitioner in the petitioner's name at the premises, as sought in the petitioner's application, particularly, in view of the mandate in Section 43 of the Electricity Act, 2003.

Learned counsel appearing for the WBSEDCL also alleges that when the WBSEDCL personnel went to the premises-in-question previously to give connection to the petitioner, obstruction was offered by the private respondent and his men and agents.

Hence, W.P.A. No. 15725 of 2022 is disposed of by directing the WBSEDCL to give electricity connection to the petitioner, irrespective of the objections raised by the private respondent, as expeditiously as possible, positively within three weeks from the compliance of all formalities by the petitioner and/or from this date, whichever is later.

In the event the WBSEDCL personnel are resisted in doing so by the private respondent no. 4 and/or his men and agents, it will be open to the WBSEDCL personnel to approach the local police station of the area 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 grant such assistance to the WBSEDCL personnel at the cost of the petitioner to ensure that the WBSEDCL personnel face no hindrance in giving electricity connection to the petitioner.

For such purpose, it will be open to the police personnel to break open any padlock or remove any hindrance if put up by the private respondent, to give access to the WBSEDCL personnel to the existing meter board position, if necessary.

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.)