

3rd August,
2022
(AK)
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W.P.A 16770 of 2022

Brand Street
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Mr. Prantick Ghosh
Mr. Siddhartha Sarkar
...for the petitioner.

Mr. Mihir Kundu
...for the WBSEDCL.

The petitioner's grievance is that the petitioner, despite being in occupation of the concerned premises in the capacity of a tenant under the private respondents, has not yet been given a new electricity connection, although the petitioner has already filed an application for such purpose pursuant to an order of this court.

Learned counsel for the WBSEDCL submits, by relying on the written objection filed by the Distribution Licensee (Annexure-P12 at page-65 of the writ petition), that the rent agreement with the petitioner, which the petitioner submitted in the office of the Distribution Licensee, shows that the new service connection has expired.

Moreover, it is submitted that no 'Way Leave Permission' or 'No Objection' was given by the landlords in order to enable the Distribution Licensee to give such connection to the petitioner.

Despite service, none appears for the private respondents/landlords.

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

Even though there may exist a dispute as to the legal capacity in which the petitioner is in occupation of the premises, it is evident from the materials-on-record that the petitioner is in settled possession of the premises, in whatever capacity.

Since Section 43 of the Electricity Act, 2003 confers the right on the settled occupant to get electricity connection, the private respondents have no right to object to such connection being given to the petitioner individually, from the existing meter board position.

Hence, WPA 16770 of 2022 is disposed of by directing the WBSEDCL to give a new electricity connection to the petitioner, subject to the petitioner complying with all formalities in that regard, within a fortnight from the compliance of such formalities.

In the event the personnel of the WBSEDCL face any resistance from the private respondents/landlords and/or their men and agents while inspecting the premises for the purpose of ascertaining the feasibility of giving the connection and/or at the time of actually giving such connection, it will be open to the WBSEDCL personnel to approach respondent no.4, the Inspector-in-Charge,

Madhyamgram Police Station for adequate police assistance.

If so approached, respondent no.4 shall act on the communication of the learned advocates for the parties, coupled with a server copy of this order, without insisting upon prior production of a regular certified copy, and grant such assistance to the WBSEDCL personnel at the cost of the petitioner.

It is made clear that the respective rights and contentions of the petitioner and the private respondents in respect of their right, title and/or interest in respect of the disputed property have not been gone into by this court in any manner and it will be open to the competent civil court and/or any other legal forum to decide on the said issue in accordance with law independently, without being influenced in any manner by any of the observations made herein.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)