

1st September,
2022
(AK)
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W.P.A 17898 of 2022

Smt. Kabita Koiri
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Debasis Kar
Mr. Arka Tilak Bhadra
...for the petitioner.

Mr. Kanak Kiran Bandyopadhyay
...for the WBSEDCL.

Learned counsel for the petitioner files an affidavit-of-service from which and the accompanying envelope, it transpires that service has been refused by the private respondent, who is allegedly the landlord of the petitioner.

Upon hearing learned counsel for the parties, it transpires that the grievance of the petitioner is that the petitioner has sought a new electricity connection to the premises-in-question, which has not yet been given by the WBSEDCL on the premise that apparently some documents were lacking from the end of the petitioner.

Learned counsel appearing for the WBSEDCL submits that in the event the petitioner submits such missing documents, there is no difficulty on the part of the WBSEDCL to give such connection.

Upon a perusal of the annexures to the writ petition, it transpires that the petitioner has already given copies of a PAN Card and Adhaar Card to the WBSEDCL.

It is well-settled that a person in established occupation of a property is entitled to get electricity connection under Section 43 of the Electricity Act, 2003 irrespective of the said possession being unlawful.

Hence, there cannot be any further impediment on the part of the WBSEDCL inasmuch as production of further documents other than documents pertaining to the petitioner's possession is concerned.

Hence, WPA 17898 of 2022 is disposed of by directing the WBSEDCL to give a new electricity connection to the petitioner as per the petitioner's application, subject to compliance of all formalities by the petitioner, as expeditiously as possible, preferably within a fortnight from date.

It is made clear that the WBSEDCL shall not insist further for the petitioner to produce other documents for giving such connection.

In the event any resistance is put up by the private respondent-landlord in the petitioner taking such electricity connection, 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 of the said police station shall act on the written communication of the learned Advocate for the petitioner accompanied by a server copy of this order

without insisting upon prior production of a certified copy at the cost of the petitioner.

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.)