

AD-11
Ct No.09
12.09.2022
TN

WPA No. 19977 of 2022

Hemdas Swami
Vs.
The West Bengal State Electricity Distribution
Company Ltd. and others

Mr. Sounak Bhattacharya,
Mr. Samit Kumar Mondal,
Mr. Sounak Mondal

.... for the petitioner

Mr. Sumit Ray

.... for the WBSEDCL

Learned counsel for the petitioner contends that the petitioner is a developer and has subsisting rights in respect of a multi-storied building, where individual electricity connections have been given by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) on the applications of the private respondents and other residents.

Learned counsel for the petitioner submits that the petitioner had previously applied for an electricity connection, upon which a quotation was raised by the WBSEDCL, which amount was paid duly by the petitioner. Learned counsel places reliance on the photocopies of the relevant money receipts and the quotation-in-question, which have been annexed to the writ petition at pages 12 and 13, for such purpose.

However, without obtaining any 'way leave' certificate from the petitioner, direct connections have been given to the residents, thereby depriving the petitioner of the petitioner's rights as a developer/owner.

Learned counsel for the WBSEDCL submits that the residents of the multi-storied building duly applied for individual electricity connections and the same were given by the WBSEDCL in view of the settled occupation of the said residents. It is submitted that under the law, no 'way leave' certificate from the present petitioner was necessary for such purpose.

Upon a perusal of the documents annexed to the writ petition, it is seen that a quotation was raised by the WBSEDCL for giving "new connection" to the petitioner. The petitioner also paid the requisite amount as per the quotation. It has been submitted on behalf of the WBSEDCL that the said quotation was raised for the purpose of installing a transformer.

It is not clear from the quotation as to whether the said amount was in respect of a transformer or the connection as a whole.

Be that as it may, the writ petitioner is always at liberty to pursue his remedy in respect of the liability of the WBSEDCL to honour the contract between the WBSEDCL and the petitioner, which has been entered

into by virtue of the WBSEDCL accepting the payment made by the petitioner on the basis of their quotation.

However, such independent right, if any in law, cannot hinder the WBSEDCL from giving independent electricity connections to the residents of the multi-storied building upon compliance of due formalities by the said residents. As is well-settled in law, persons in settled occupation of a property are entitled to electricity within the contemplation of Section 43 of the Electricity Act, 2003. Hence, there is no scope of granting relief to the petitioner in the present writ petition.

Accordingly, WPA No. 19977 of 2022 is dismissed by giving the petitioner liberty to pursue the petitioner's remedy, if any available in law, against the WBSEDCL with regard to the application for new connection made by the petitioner. However, it is made clear that this court has not gone into the merits of the civil dispute raised by the writ petitioner/developer in respect of the multi-storied building vis-à-vis the residents thereof. It will also be open to the private respondents to canvass their respective cases, if protected under the law, before the appropriate forum.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)