

21st December,
2022
(AK)
03

W.P.A 25801 of 2022

Srikanta Das
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Mr. Sagarmay Ghosh
...for the petitioner.

Dr. Madhusudan Saha Ray
...for the WBSEDCL.

Mr. Sudipto Panda
Ms. Mun Mun Tewary
...for the State.

Despite service, none appears for the private respondent nos.4 to 10.

Learned counsel for the petitioner submits that due to resistance put up by the private respondents, who are the landlords of the petitioner in respect of the disputed premises, the WBSEDCL is not being able to give electricity connection to the petitioner.

Learned counsel for the WBSEDCL submits that the said Distribution Licensee made every endeavour to give such connection to the petitioner but could not do so due to such resistance as alleged by the petitioner and the cause of the connection not being given was intimated to the petitioner.

Unless police help is directed, it is submitted, it would be extremely difficult for the WBSEDCL personnel to give such connection to the petitioner.

Learned counsel appearing for the State files a report which also indicates that two civil suits are pending between the private parties and that the dispute is civil in nature.

Although there is a civil dispute between the petitioner and the private respondents and two suits are pending between them, one by the petitioner/tenant for declaration and injunction and the other by the private respondents/landlords for eviction, an injunction order was passed in connection with the eviction suit to the effect that both parties were temporarily enjoined from altering the nature, character and possession of the suit premises till disposal of the suit.

The civil court further clarified that such an order would not prevent the defendant from taking necessary electricity connection in the prescribed legal way in the suit premises till the disposal of the suit and that it is a trite law that even an occupier is entitled to all the basic requirements which forms a part of his right to have a normal human life in respect of premises.

Such observation of the civil court was absolutely in consonance with law, in particular Section 43 of the Electricity Act and Article 21 of the Constitution of India,

which confer the right on the occupant to have an electricity connection at the premises.

Hence, the landlords/private respondents have no right to resist and are acting unlawfully in obstructing such electricity connection from being given to the petitioner.

Accordingly, WPA 25801 of 2022 is allowed, directing the WBSEDCL to give electricity connection to the petitioner, subject to compliance of all formalities by the petitioner, within a fortnight from the date of compliance of formalities and/or this order, whichever is later.

If the WBSEDCL personnel are obstructed by the private respondents and/or their men and agents from doing so, the WBSEDCL personnel have the liberty to approach respondent no.3, the Officer-in-Charge of the Bhadreswar Police Station, who will grant adequate police assistance at the cost of the petitioner in order to assist the WBSEDCL personnel in complying with this order.

In the process, if any hindrance or padlock is put up by the private respondents, it will be open to the police personnel to remove such obstruction for the specific purpose of enabling the WBSEDCL to give the connection to the petitioner.

It is, however, made clear that nothing in this order and/or the electricity connection shall confer on the

petitioner any additional or special equitable or legal right other than that which the petitioner already enjoys with regard to the petitioner's possession of the property.

It will be open to the civil courts to decide all issues pending before them, independently and in accordance with the law, without being influenced in any manner by any of the observations made herein.

Parties shall act on the written communication of the learned Advocates for the parties, coupled with server copy of this order, without insisting upon prior production of a certified copy thereof.

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.)