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07.06.2022
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**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**W.P.A. 820 of 2022
(Raj Narayan Sah vs. West Bengal State Electricity Distribution
Company Ltd. & Ors.)**

**Ms. Pratusha Dutta Chowdhury
.... For the Petitioner**

**Mr. Sudipta Kanta Bhowmick
Mr. Anirban Banerjee
.... For the WBSEDCL**

**Mr. Debajit Kundu
.... For the Private Respondent**

Heard learned counsels for the parties.

It is not in dispute that the petitioner is a tenant under the 4th respondent in respect of the premises in question and was provided with electric connection since inception of the tenancy,

It is contended on behalf of the petitioner that the 4th respondent has disconnected the electric connection of the petitioner in the premises in question illegally in order to harass the petitioner and has refused to restore the same. The petitioner has applied for a fresh connection in the premises before the West Bengal State Electricity Distribution Company Limited, but such connection has not been granted to the petitioner till

date. The petitioner prays for a direction upon the concerned Authority for grant of new electric connection in the premises in question.

It is submitted on behalf of the Distribution Company that though the petitioner has submitted an application for getting electric connection in the premises such connection cannot be given in the absence of a no objection certificate issued by the private respondent.

Learned counsel for the private respondent submits that the electric connection was snapped due to default on the part of the petitioner in payment of rent for the last 8 years. The said fact is disputed by the petitioner.

In any event, default in payment of rent does not entitle the private respondent to disconnect the electric connection of the petitioner. The private respondent is at liberty to take recourse to the procedure of law for redressal of her grievances.

It is submitted by learned counsel for the private respondent, on instruction, that the private respondent shall issue no objection certificate in favour of the petitioner in order to enable the petitioner to obtain an electric connection in the premises.

Upon consideration of the submissions made on behalf of the parties, this Court is of the view that as the petitioner has applied for fresh electric connection

in the premises and the private respondent agrees to issue a no objection certificate in favour of the petitioner in this regard, the Distribution Company should be directed to give electric connection in the premises of the petitioner upon receipt of the no objection certificate and compliance with all other formalities by the petitioner.

Accordingly, the writ petition is disposed of directing the 4th respondent to issue no objection certificate as stated hereinabove in favour of the petitioner within one week from date.

The Distribution Company shall provide electric connection within four weeks from the date of receipt of the no objection certificate subject to compliance with all necessary formalities by the petitioner.

With the above observations and directions, W.P.A. 820 of 2022 is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)