

AD-36&37
Ct No.09
20.01.2023
TN

WPA No. 83 of 2023

Mr Hari Ramesh

Vs.

The West Bengal State Electricity Distribution
Company Limited and others

With

WPA No. 86 of 2023

Mr. Amar Dutta

Vs.

The West Bengal State Electricity Distribution
Company Limited and others

Mr. Kajal Ray

....for the petitioners

Dr. Madhusudan Saha Roy

.... for the WBSEDCL

Learned counsel for the petitioners has come up before this court with the primary grievance that the petitioners are individual flat owners but due to the existing dispute between the landlord and the developer, the petitioners are not getting individual electricity connections.

Learned counsel for the developer, who had appeared on the last occasion, had indicated, as recorded in the last order dated January 16, 2023, that the developer has no objection to the connections being given. Inasmuch as the ongoing dispute between

the developer and the landlord is concerned, the present petitioners, being individual flat owners, are in no way connected with such dispute directly.

As such, the petitioners, having an independent right under Section 43 of the Electricity Act, 2003 to get individual electricity connections, cannot be debarred from getting the same.

In any event, learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) submits, on instruction, that the WBSEDCL does not have any objection to give individual electricity connections to the flat owners in principle, subject to the said individual flat owners furnishing proof of their occupation of particular individual flats.

It is submitted by the WBSEDCL that unless the specific flat and the occupancy of the applicant in respect of the same is disclosed at this stage, there may be subsequent complications with regard to the flat for which the connection is being given.

Inasmuch as WPA No. 83 of 2023 is concerned, the petitioner's Aadhaar Card, which is annexed at page-41 of the said writ petition, clearly discloses the flat number occupied by the said petitioner to be Flat No. S-2 at the second floor of the building-in-question.

Insofar as the petitioner in WPA No. 86 of 2023 is concerned, however, although the Aadhaar Card annexed at page-57 of the said writ petition does not disclose the exact flat number of the petitioner, in the communication by the developer annexed at page-56 of the said writ petition, Flat No. F-2 measuring 800 square feet (More or less) Super Built-up area on the first floor of the said premises has been earmarked as being allocated to the said petitioner.

Since the petitioner himself contends that he is in occupation of said flat No. F-2 on the first floor of the premises at 10, Satindra Pally, P.S.-Bansdrani, Kolkata – 700084, there cannot be any further dispute as regards the flat in respect of which the said petitioner seeks electricity connection.

Hence, there is no further impediment for the WBSEDCL to give electricity connections individually to the petitioners /flat owners subject to compliance of all formalities by the petitioners. In view of the resistance put up by the landlady and her men and agents, the WBSEDCL also seeks police protection in that regard.

Accordingly, WPA No.83 of 2023 and WPA No.86 of 2023 are disposed of with a direction on the WBSEDCL to give the respective petitioners in the said writ petitions individual electricity connections in their

own names pursuant to their applications, subject to compliance of all formalities in that regard by the petitioners.

Such connections shall be given by the WBSEDCL as expeditiously as possible, preferably within three weeks from the date of compliance of all formalities or this date, whichever is later.

In the event any obstruction is offered by the respondent no.7 and/or her men and agents in the WBSEDCL giving such connections, it will be open to the WBSEDCL authorities to approach the Officer-in-Charge, Garia Police Station (present respondent no.3) for police assistance. If so approached, the respondent no.3 herein shall act on a server copy of this order and grant such police assistance to the WBSEDCL personnel at the cost of the petitioners.

If any padlock or other hindrance is put up to obstruct the WBSEDCL personnel to reach the location-in-question for giving such connections, it will be open to the police personnel to break open such padlock/hindrance for the limited purpose of giving access to the WBSEDCL personnel for giving such connections to the petitioners.

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.)