

20th March,
2023
(AK)
07

W.P.A 948 of 2023

Sri Badal Kumar Das
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Chandra Sekhar Banerjee
Mr. Shamit Dutta
...for the petitioner.

Ms. Bandana Basu
...for the WBSEDCL.

Despite service, none appears for the private respondent.

Leave is granted to the petitioner, on the prayer of learned counsel for the petitioner, to file the affidavit-of-service regarding the added respondents during the course of the day.

The petitioner alleges that the petitioner has applied for a new electricity connection at his property in Murshidabad, which has not yet been given by the WBSEDCL.

It is submitted by learned counsel for the WBSEDCL that the petitioner has not yet submitted any 'Way Leave Permission' for the WBSEDCL to check the feasibility of giving such connection.

That apart, the WBSEDCL personnel were resisted at the time of attempted inspection by several people, including co-owners of the property, on more than one

occasion, but the petitioner, who is a resident of Kolkata, was not present.

As such, due to the above hindrances, the WBSEDCL could not give electricity connection to the petitioner.

Upon a consideration of the submission of parties, it is found that the petitioner claims to have rights and occupation over the property where the electricity connection has been sought.

Although mere residence in Kolkata, which may be as well be an alternative residence of the petitioner, *per se* does not preclude the petitioner from also being in possession of the Murshidbad property, since objection is being raised by several people when the WBSEDCL went there to hold inspection, the petitioner ought to be present at the juncture when such inspection is held.

Despite service, since none appears for the added respondents/co-sharers, there is no other option but to dispose of the writ petition in the absence of such co-sharers.

In view of such abstinence of the co-sharers at the hearing, no further 'Way Leave Certificate' is required to be obtained from them.

Accordingly, WPA 948 of 2023 is disposed of by directing the WBSEDCL to hold an inspection for the purpose of ascertaining feasibility of giving an electricity

connection to the petitioner at the premises at Murshidabad.

Such inspection shall be held upon giving prior notice to the petitioner to that effect.

At the juncture of such inspection, the petitioner shall furnish proof of his right/possession with regard to the property-in-question.

In the event any obstruction is offered by the respondent including the added respondents and/or their men and agents at the time of such inspection, the WBSEDCL will be at liberty to approach the local police station for adequate police assistance, which shall be given by the Inspector-in-Charge/Officer-in-Charge of the said police station upon production of a server copy of this order at the cost of the petitioner.

Upon such inspection being held, the WBSEDCL will ascertain the feasibility of giving such connection to the petitioner.

In the event it is otherwise feasible and upon compliance of all formalities by the petitioner, the WBSEDCL shall give such connection to the petitioner after such compliance of formalities as expeditiously as possible.

At the time of giving connection, if given, it will also be open to the WBSEDCL to approach the police authorities in case of any further resistance, who will similarly give such assistance at the cost of the petitioner

to enable the WBSEDCL personnel to give such connection to the petitioner.

It is made clear, however, that nothing in this order shall adversely affect or prejudice the rights and contentions of the parties to the present writ petition with regard to the property, apart from what they have otherwise in law.

The electricity connection, if given, shall not by itself create any special equity or right in favour of the petitioner, which the petitioner otherwise does not otherwise have in law.

Since no affidavits have been directed, it is deemed that the allegations made in the writ petition are denied by the respondents.

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.)