

ML-35
Ct No.09
20.02.2023
TN

WPA No. 1131 of 2023

Tara Chand Das
Vs.
The State of West Bengal and others

Mr. S. Ghoshal,
Mr. Prasayan Mukherjee
.... for the petitioner

Ms. Susmita Chatterjee
.... for the WBSEDCL

Learned counsel for the petitioner contends that due to the obstruction created by the private respondents, the electricity connection is not being given to the petitioner in his own name by the West Bengal State Electricity Distribution Company Limited (WBSEDCL).

Learned counsel appearing for the WBSEDCL submits that an objection has been taken by the private respondents to the giving of electricity connection to the petitioner in the latter's name.

Learned counsel for the WBSEDCL also hands over a copy of an injunction order passed by a civil court, where a suit is apparently pending between the petitioner and the private respondents regarding the property over which the connection will have to be given.

It transpires from the said copy that, vide Order No. 50 dated September 20, 2022 passed by the Civil Judge (Junior Division), First Court at Uluberia, District: Howrah in Title Suit No. 129 of 2014 pending in the said court, the parties to the suit were directed to maintain *status quo* in respect of the possession, nature and character of the suit property till disposal of the suit.

Although there is a subsisting *status quo* order, it does not appear from the copy of the said order that there is any fetter on the Distribution Licensee to give an electricity connection to the petitioner over the same plot.

In fact, giving an electricity connection by itself shall not confer any special right or equity in favour of the petitioner and/or amount to violation of the order of *status quo* in respect of possession, nature and/or character of the suit property in any manner. Hence, there being no specific determinate ground for objection by the private respondents, the petitioner is entitled to get electricity connection within the purview of Section 43 of the Electricity Act, 2003.

Since none appears for the private respondents despite service at the time of call, the matter is taken up *ex parte* in the absence of the private respondents.

Affidavit-of-service filed in court today be kept on record.

In view of the above discussions, WPA No. 1131 of 2023 is allowed, thereby directing the WBSEDCL to give electricity connection to the petitioner at the earliest, preferably within a fortnight from date. If, in giving such connection, any hindrance or obstruction is faced by the WBSEDCL personnel from the private respondents and/or their men and agents, it will be open to the said personnel to approach respondent no.4, the Officer-in-Charge, Uluberia Police Station for adequate police assistance. If so approached, respondent no.4 shall give such assistance at the cost of the petitioner by acting upon a server copy of this order immediately.

It is further clarified that mere grant of new electricity connection in the name of the petitioner shall not prejudice the rights and contentions of the petitioner and/or the private respondents in the pending civil suit in any manner whatsoever.

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.)