

1st March,
2023
(AK)
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W.P.A 3721 of 2023

Samar Kumar Maity
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Ms. Anita Khatri
Mr. Santu Das Adhikari
...for the petitioner.

Mr. Sujit Sankar Koley
...for the WBSEDCL.

Mr. Debrup Choudhury
...for the private respondent no.7.

The petitioner's contention is that the petitioner is the owner of a temple situated about twenty five meters away from which the petitioner's residence is situated.

Initially the petitioner's electricity connection to the temple was unlawfully disconnected by miscreants. Subsequently when the petitioner approached the WBSEDCL for restoring such connection, the WBSEDCL is insisting upon giving connection from a different electricity pole, which is situated near the residence of the petitioner, which is twenty-five meters away from the temple where the connection is sought.

It is argued that the said premise of the WBSEDCL for refusing to reconnect is unlawful.

Learned counsel appearing for the private respondent no.7 submits that the people in the locality are being adversely affected due to the connection being given to the temple from the transformer-in-question, in view of such connection going over an intervening pond.

It is further submitted that there might be impending hazards if the connection is restored through the same route.

Learned counsel appearing for the WBSEDCL submits that, as per the law, since the petitioner is the owner of the house-in-question as well as the temple, the connection had to be given to both the structures from a single transformer.

However, inadvertently, the connections were given from two separate transformers. As such, the said error is sought to be rectified now.

It is, though, clarified that the WBSEDCL has no objection to restore the electricity supply of the petitioner otherwise.

It is well-settled that an illegality cannot be perpetuated with the blessings of the court.

In the present case, since the WBSEDCL disowns the disconnection, some third party must have disconnected the electricity supply to the temple belonging to the petitioner.

As such, if the restoration of electricity connection is given over a different route, the said unlawful disconnection will be given a premium, which ought not to be done by the court; rather, should be deprecated.

In view of the above reasons, the WBSEDCL is duty-bound to restore the electricity connection of the petitioner at the temple, which was illegally disconnected, at the earliest over its original route.

Accordingly, WPA 3721 of 2023 is allowed, thereby directing the WBSEDCL to restore the electricity connection of the petitioner at the earliest, preferably within one week from date.

In the event any obstruction is raised by the private respondent no.7 and/or his men and agents, the WBSEDCL personnel will be at liberty to approach respondent no.6, the Officer-in-Charge of the Chandipur Police Station who will give police assistance at the cost of the petitioner for the purpose of restoring such connection of the petitioner, upon acting on a server copy of this order without insisting upon a certified copy thereof.

However, it is made clear that such restoration of electricity connection shall not preclude the WBSEDCL from taking due steps upon notice to the petitioner in accordance with law in the event it is seen that the

connection was, in the first place, given in contravention of the regulations.

In such case, upon such prior notice to the petitioner and all others concerned, the WBSEDCL will be free to take due steps in accordance with law.

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.)