

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 4741 of 2022

Bilwapada Pradhan
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Ms. Juin Dutta Chakraborty
...for the petitioner

Ms. Gopa Roy
...for the WBSEDCL

Ms. Chaitali Bhattacharyya,
Ms. Sanjukta Samanta
...for the State

Learned counsel appearing for the petitioner submits that the petitioner became the owner of the premises by virtue of a gift deed executed by the father of the petitioner.

Subsequently, when the petitioner sought an electricity connection at the property, the private respondents obstructed such connection being given to the petitioner.

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) contends that the previous electricity poles were broken by some miscreants, for which new electricity poles had to be installed upon incurring huge expenditure.

Be that as it may, at the time of call, none appears for the private respondents, although all the other parties, including the State, are represented through counsel.

The premise of the objection raised by the private respondents, as it appears from the records, was, at best, regarding a private dispute between the private respondents and the petitioner with regard to the title to the property over which the connection is being given. However, since the private respondents choose to remain unrepresented continuously, there is no further scope of keeping the matter pending.

It was recorded in the order dated March 31, 2023 that electricity connection was effected to the petitioner's premises on December 14, 2022 as per court's order on *ad hoc* basis. As of today, the WBSEDCL does not have any pending claim or grievance against the petitioner so as to not to give electricity connection or maintain the *ad hoc* connection already given to the petitioner.

In such view of the matter, since the grievance of the petitioner has already been redressed and there is no pending dispute with regard to such electricity connection on the part of the licensee, the said *ad hoc* connection shall be maintained in the petitioner's property, subject, of course, to the petitioner going on paying electricity charges regularly.

Accordingly, W.P.A. No. 4741 of 2022 is disposed of with the above observations, indicating that the electricity connection given on *ad hoc* basis by the WBSEDCL to the petitioner be made absolute and the same shall now permanently remain in favour of the petitioner, subject, of course, to the petitioner otherwise complying with law and making regular payments of electricity charges.

It is made clear that such electricity connection shall not create any special equity in favour to the petitioner, which the petitioner otherwise does not have in law.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)