

AD-09
Ct No.09
05.04.2023
TN

WPA No. 7272 of 2023

Aajehar Ali Molla @ Ajehar Molla
Vs.
The State of West Bengal and others

Mr. Md. Zeeshanuz Zaman
.... for the petitioner

Mrs. Rituparna Maitra
.... for the WBSEDCL

Mr. Nirmalendu Bera,
Mr. Gorachand Samanta
.... for the respondent no.13

Learned counsel for the petitioner, Mr. Md. Zeeshanuz Zaman, submits that the petitioner is the owner of a property on which the private respondent has illegally taken an electricity connection for the purpose of operating a submersible pump. It is further contended that despite representations by the petitioner, no effective steps were taken by the West Bengal State Electricity Distribution Company Limited (WBSEDCL).

It is further argued that an inspection was actually held in presence of the Station Manager and others of the WBSEDCL, which revealed that the connection had been taken unlawfully, inasmuch as the illegality in the installation of the submersible

pump was concerned. However, no steps have yet been taken in that regard.

Learned counsel appearing for the private respondent denies and disputes the contentions of the petitioner and contends that the private respondent is legally using electricity at the property-in-question for operating his submersible pump, which was obtained in accordance with law. Learned counsel also submits that he is ready to produce copies of the relevant electricity bills to show that he is paying the electricity charges in usual course.

Learned counsel for the WBSEDCL submits that no illegality has been committed on the part of the WBSEDCL or the private respondent as regards giving of electricity connection to the private respondent. Further, it is argued, the connection given to the private respondent is of a temporary nature.

Upon hearing learned counsel for the parties and perusing the unreported judgment of a coordinate Bench of this court in *W.P. No. 2264(W) of 2010 (Monija Bibi & Anr. vs. The West Bengal State Electricity Distribution Company Ltd. & Ors.)*, it transpires that the said judgment operated in respect of a subtly different footing than the present allegation. In the said case, the learned Single Judge observed that if anyone is operating any pump

installed in any illegally sunk well, the licensee shall disconnect supply to the pump at once.

However, this court searches in vein in the representations given by the petitioner to find out any specific instance of illegality cited by the petitioner.

That apart, since a connection has been given to the petitioner in a premises where the petitioner is in occupation, the question of legality of the occupation itself becomes redundant in view of the settled law that a person in occupation of a property is entitled to get electricity connection.

Be that as it may, although the alleged illegality of the possession cannot be a valid ground for the private respondent to object to the electricity connection being given to the private respondent, nothing in this order shall preclude the petitioner from making any further representation by specifically indicating the exact illegality, if any, alleged to have been committed by the private respondent in taking the electricity connection-in-question and/or other illegality, if any in the perception of the petitioner, apart from the question of legality of the occupation of the private respondent.

If any such representation is made, the WBSedCL shall decide the same in accordance with

law and after seeking necessary reports from the appropriate authorities, if so required.

WPA No. 7272 of 2023 is disposed of accordingly in the light of the above observations.

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.)