

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 7392 of 2023

Amritvani Exim Private Limited & Anr.
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Tanoy Chakraborty,
Mr. Debsoumya Basak,
Mr. Viswajit Neogi (Dasgupta)
...for the petitioners

Mr. Raj Kumar Basu
...for the WBSEDCL

Learned counsel appearing for the petitioners contends, by placing reliance on the annexures to the writ petition and the supplementary affidavit filed in Court today with leave of Court, that the petitioners have purchased the property-in-dispute by way of a successful resolution application under the Insolvency and Bankruptcy Code, 2016. However, when the petitioners sought for an electricity connection to the premises, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) is refusing to grant the same citing an objection by the West Bengal Industrial Development Corporation Limited (respondent no. 4) and the obstruction raised by the said respondent.

Learned counsel places reliance on the annexure to the supplementary affidavit in particular and

submits that although the dispute was referred to the District Magistrate and Collector, Bankura at the behest of the respondent no. 4, the said dispute pertains to an allegation regarding the petitioners having encroached upon a portion of the property allotted to a third party by the respondent no. 4.

Learned counsel appearing for the WBSEDCL contends that the WBSEDCL made several attempts to give such connection to the petitioners. However, due to obstruction offered by the respondent no. 4 and its men and agents, such connection could not be given to the petitioners. As such, the WBSEDCL has asked for a no-objection from the respondent no. 4 to be furnished by the petitioners.

A perusal of the documents annexed herein show *prima facie* that though the dispute was referred to the District Magistrate, the respondent no. 4 has admitted that the petitioner no. 1 is in possession of the property, although such physical possession has been objected to on the ground that the petitioner no. 1 has encroached upon the land of another allottee.

Be that as it may, it is well-settled that a person in settled possession of a property, irrespective of the legality or illegality of such possession, is entitled to get electricity connection under Section 43 of the Electricity Act, 2003. Since the petitioners have already purchased at least a portion of the property-in-question

as successful resolution applicants, there cannot be any reason for the WBSEDCL not to give an electricity connection to the petitioners.

It may be noted that despite service, which is apparent from the affidavit of service filed in court today, none appears for the respondent no. 4.

Hence, W.P.A. No. 7392 of 2023 is disposed of by directing the WBSEDCL to give a new electricity connection to the petitioners, subject to compliance of all formalities in that regard by the petitioners, without insisting upon production of any no-objection from the respondent no. 4, as expeditiously as possible, preferably within four weeks from this day and/or the date of compliance of all formalities by the petitioners, whichever is later.

It is, however, made clear that nothing in this order shall prejudice the rights and contentions of any of the parties herein, including the petitioners and the respondent no. 4, with regard to the allegation of encroachment made against the petitioners.

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.)