

10th April,
2023
(AK)
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W.P.A 7505 of 2023

Azizul Haq Mullick
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Debarshi Brahma
...for the petitioner.

Mr. Sandip Mondal
...for the WBSEDCL.

Ms. Pampa Dey Dhabal
Mr. Animesh Paul
...for the respondent nos.5 & 6.

Learned counsel for the petitioner contends that the petitioner seeks a new electricity connection at the premises-in-question but is being resisted, despite being a joint owner of the property, by the private respondents.

Learned counsel for the WBSEDCL submits that the private respondent nos.5 and 6 are raising obstruction to inspection as well as to giving electricity connection to the petitioner, although the WBSEDCL otherwise has no qualms on the issue.

It is further submitted that there is existence of a purported demolition order in respect of the premises, which was pointed out by the private respondents on the last occasion, which also has to be taken into consideration.

Learned counsel for the private respondents places reliance on a photocopy of a server copy of an order dated December 8, 2021 passed by a coordinate Bench in WPA 15056 of 2021, whereby it was recorded in the said proceeding between the same parties that the writ petition was disposed of, having become infructuous in view of issuance of a demolition order dated November 24, 2021.

However, it is not clear from the said order as to whether the subject property therein is identical with that where the electricity connection has been sought.

The other contention of the private respondent is that the petitioner has already a previously existing connection at the property and a document is handed over in that regard by learned counsel for the private respondents.

However, precious little is disclosed from the said document, which merely shows that the same is a memo being a quotation as per the WBSEDCL procedure-A with regard to a new connection.

That apart, it has not been established by any cogent evidence that the petitioner is otherwise not entitled in law to take a new electricity connection at the premises.

There is dispute as to whether the premises suffering the demolition order is identical with the one

where the electricity connection has been sought at present by the petitioner.

In any event, this is not the appropriate forum for deciding such dispute.

It will be open for the Howrah Municipal Corporation to comply with the order dated December 8, 2021 passed in WPA 15056 of 2021 in due process of law without being prejudiced in any manner by any of the observations made herein.

Irrespective of the subsistence of such order, however, the petitioner is entitled to get a new electricity connection, subject to the outcome of the said demolition proceeding, if any pending with regard to the same property.

Accordingly, WPA 7505 of 2023 is disposed of by directing the WBSEDCL to give electricity connection to the petitioner at the premises-in-question as per the application of the petitioner, subject to compliance of all formalities by the petitioner, within a fortnight from date and/or from the compliance of formalities, whichever is later.

If any resistance is put up by the private respondent nos. 5 and 6 and/or their men and agents in the WBSEDCL personnel doing so, it will be open to the said personnel to approach respondent no.4, the Inspector-in-Charge of the Jagachha Police Station, for adequate police

assistance, which will be given on such occasion by the respondent no.4 by acting on a server copy of this order and at the cost of the petitioner.

If any padlock or other hindrance is put up by the private respondents to prevent the access of the WBSEDCL personnel, it will be open to the police personnel to remove such obstruction for the limited purpose of compliance of the above directions.

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.)