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01.05.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 7549 of 2023

Bharati Kamila

-vs.-

The West Bengal State Electricity
Distribution Company Ltd. & Ors.

Mr. Monoranjan Jana,
Ms. Mitali Jana

...for the petitioner

Mr. Asif Dewan

...for the WBSEDCL

Despite good service, none appears for the private respondents at the time of call. Affidavit of service filed today be kept on record.

It is the submission of both the petitioner and the West Bengal State Electricity Distribution Company Limited (WBSEDCL) that due to obstruction created by the private respondent nos. 6 to 8 and their men and agents, the WBSEDCL is not being able to give a new electricity connection as per the petitioner's application at the premises-in-question.

Since the petitioner has the right under Section 43 of the Electricity Act, 2003 to get an electricity connection to the premises where she is in occupation, such right cannot be curtailed by the private respondents.

Accordingly, W.P.A. No. 7549 of 2023 is allowed, thereby directing the WBSEDCL to give a new electricity connection to the petitioner at the concerned premises, subject to compliance of all due formalities by the petitioner, positively within a fortnight from the date of such compliance.

In the event any obstruction is created by the private respondent nos. 6 to 8 and/or their men and agents in doing so, the WBSEDCL personnel will be at liberty to approach the respondent no. 5, that is, the Officer-in-Charge, Ramnagar Police Station, for adequate police assistance.

Such assistance shall, in such case, be provided by the respondent no. 5, on the basis of a server copy of this order, at the cost of the petitioner.

If necessary, the police personnel will be at liberty to remove any hindrance and/or obstruction offered by the respondent nos. 6 to 8 for the limited purpose of giving access to the WBSEDCL personnel to the existing meter board position.

It is, however, made clear that such electricity connection by itself shall not create any special right or equity in favour of the petitioner, which the petitioner, otherwise, does not have in law and shall not prejudice the rights and contentions of the petitioner and the private respondents with regard to their civil dispute, if any.

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.)