

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No.7649 of 2023

Amit Kumar Pandey
Vs.
The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Tapas Kumar Bhattacharya,
Mr. Aviroop Bhattacharya
...for the petitioner

Ms. Bandana Basu
...for the WBSEDCL

Mr. Chittapriya Ghosh,
Ms. Aiswarjya Gupta,
Ms. Priyanka Saha
...for the private respondent

Learned counsel appearing for the petitioner contends that, by bona fide mistake, the petitioner had applied for a domestic connection for the purpose of running a medical shop. However, the petitioner is now willing to apply for a commercial connection subject to refund of the amount already deposited as per the estimate raised by the Distribution Licensee.

Learned counsel appearing for the private respondent objects to such connection being given to the petitioner on the ground that the petitioner is allegedly an unauthorized trespasser in the property. Moreover, it is argued that initially a different person

was running the medical shop and the petitioner has taken over the said shop room in an illegal manner.

Of course, such allegation is disputed by learned counsel for the petitioner.

It transpires from the report filed today in court by learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) that, in principle, the WBSEDCL does not have any objection to give a commercial connection to the petitioner at the premises. For the purpose of refund, it is submitted, the petitioner has to apply in proper format.

Keeping in view the nature of the objection raised by the private respondent, it has to be observed that the alleged illegality of occupation cannot be a ground for refusing an electricity connection to the petitioner.

Hence, irrespective of grant or non-grant of way-leave permission by the private respondent/owner, there is no impediment for the WBSEDCL in giving a new commercial connection to the petitioner.

Accordingly, W.P.A. No.7649 of 2023 is disposed of by granting liberty to the petitioner to apply afresh for a commercial connection at the disputed premises.

The petitioner shall also make a formal application for refund of the deposit already made by the petitioner.

If such applications are made, the WBSEDCL shall respectively give such connection and refund the amount already deposited by the petitioner. Such

connection shall be given within a fortnight from the compliance of all formalities by the petitioner.

It is made clear that the commercial connection, if given to the petitioner, shall not create any special equity or right in favour of the petitioner, which the petitioner otherwise does not have in law and equity.

In the event any obstruction is raised by the private respondent and/or his men and agents while giving such connection to the petitioner, it will be open to the WBSEDCL personnel to approach the local police station for adequate police assistance, which will be granted by the Officer-in-Charge/Inspector-in-Charge (as applicable) of the local police station by acting on the server copy of this order, at the cost of the petitioner.

Since no affidavits have been invited in the matter, the allegations made in the writ petition are deemed to be denied by the respondents.

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.)