

18th April,
2023
(AK)
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W.P.A 8617 of 2023

M/s. Samsuddin Size House
Vs.
The State of West Bengal and others

Mr. Mridul Kanti Sasmal
...for the petitioner.

Ms. Suvasree Ghose
...for the WBSEDCL.

Ms. Mitali Mukherjee
...for the State.

Learned counsel for the petitioner submits that due to obstruction raised by local people, the contractor engaged by the WBSEDCL is not being able to give a new electricity connection to the petitioner.

The contractor has been impleaded as a proforma respondent to the present writ petition but is unrepresented today in court.

Learned counsel appearing for the Distribution Licensee submits that the licensee was intimated by its said contractor that due to resistance by the local people, the connection cannot be given to the petitioner.

However, upon query of court, learned counsel for the WBSEDCL submits that no written objection has been filed by any of the said "*local people*".

It transpires that, due to some unknown reason, certain people may be resisting the giving of the electricity connection to the petitioner.

However, the petitioner as an occupier cannot be precluded from getting an independent electricity connection in the petitioner's name within the contemplation of Section 43 of the Electricity Act, 2003.

Hence, WPA 8617 of 2023 is disposed of by directing the WBSEDCL to give the electricity connection to the petitioner as expeditiously as possible, positively within a week from date.

In the event any obstruction is raised from any quarter to giving such connection to the petitioner, it will be open to the WBSEDCL personnel and/or their designated contractor and/or his men and agents to approach the Inspector-in-Charge of the Panskura Police Station (respondent no.5), who will act on a server copy of this order and grant such assistance to the WBSEDCL personnel and/or its agents for the limited purpose of enabling the WBSEDCL to give such connection to the petitioner.

However, nothing in this order shall create any special right or equity in favour of the petitioner which the petitioner does not otherwise have in law.

Furthermore, nothing in this order shall give the stamp of validity in the event the industrial connection is

being taken by the petitioner *de hors* or in contravention of any existing law.

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.)