

AD-11
Ct No.09
08.05.2023
TN

WPA No. 9012 of 2023

Tarun Kanta Roy
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Angshuman Chakraborty,
Mr. Shivaji Mitra

.... for the petitioner

Mr. Shouveek Roy

.... for the respondent nos.1 & 2

Leave is granted to the petitioner to file a supplementary affidavit. Affidavit-of-service filed afresh today be kept on record, which indicates that service has already been effected on the private respondent as well.

The West Bengal State Electricity Distribution Company Limited (WBSEDCL) was represented through counsel on the last occasion and, as such, no further service on the said Distribution Licensee is deemed necessary.

The dispute which has arisen in the writ petition is that due to objection by the private respondent no.4, who is a resident on other side of the PWD road adjacent to the petitioner's property, the WBSEDCL is

not being able to give electricity connection to the petitioner.

By placing reliance on the photographs annexed to the writ petition as well as the hand sketch map annexed at page-19 of the same, it is argued by learned counsel for the petitioner that the electricity connection can be given through the Panchayat road on the Northern side of the petitioner's plot, that is, R.S. Plot No. 1129 without disturbing the possession of the private respondent on the other side of the eastern PWD road.

Since it is submitted that the petitioner has otherwise complied with all formalities with regard to getting electricity connection, there cannot be any impediment in such right of the petitioner being asserted under Section 43 of the Electricity Act, 2003.

Accordingly, WPA No. 9012 of 2023 is allowed, thereby directing the WBSEDCL to give electricity connection to the petitioner at the petitioner's property, irrespective of whether any Way Leave certificate is given by the private respondent, pursuant to the application of the petitioner in that regard, subject to compliance of all formalities, as expeditiously as possible, positively within one week from the date of service of a copy of this order on the WBSEDCL.

The learned Advocate-on-record for the petitioner shall send a notice, by whatever mode, annexing a server copy of this order, on the WBSEDCL, to ensure compliance of this order expeditiously.

In the event any resistance is put up by respondent no.4 in the WBSEDCL doing so, it will be open to the WBSEDCL personnel to approach respondent no.3, the Officer-in-Charge, Balagarh Police Station for adequate police assistance, which will be given by respondent no.3 by acting on a server copy of this order and at the cost of the petitioner.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)