

D/L. 10.
May 15, 2023.
MNS.

WPA No. 10742 of 2023

Sri Sunil Bera
Vs.
State of West Bengal and others

Mr. Nandadulal Bandyopadhyay,
Mr. Swapan Kumar Barik

... for the petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

Affidavit-of-service filed in Court today be
kept on record.

Learned counsel for the petitioner submits
that the petitioner is in occupation of the
premises. It is submitted that despite having
handed over possession of the flat-in-question to
the petitioner, the private respondents/owners,
who were to execute a sale deed in favour of the
petitioner, failed to do so.

It appears from the affidavit-of-service that
the service sought to be effected on the private
respondents has returned with the endorsement
“left” on the envelopes.

Although proper service has not been
effected on the private respondents, it is not the

contention of the Distribution Licensee as well that any objection is being raised specifically by the private respondents. What the Distribution Licensee has sought in a written communication annexed at page 26 of the writ petition is production of the applicant's "valid land ownership document (Registered Purchase Deed/Tax Receipt/Procession letter from developer in favour of applicant)".

It is apparent that the requirement of the West Bengal State Electricity Distribution Company Limited (WBSEDCL), although captioned as "land ownership document" is actually document regarding possession of the petitioner.

The petitioner has already annexed a copy of a 'Certificate of Possession' issued by the private respondents/owners in favour of the petitioner with regard to the property-in-question. It is submitted by learned counsel for the petitioner that an agreement for sale has already been executed in favour of the petitioner, the original of which is in custody of the petitioner.

Hence, the requirement of the WBSEDCL as communicated in its letter dated February 2, 2023 has to be read down to mean any document

of possession of the petitioner in respect of the property. Since a certificate of possession has already been annexed to the writ petition and the petitioner submits that the petitioner carries documents to show *prima facie* possession of the petitioner with regard to the property, such documents are only required to be furnished for the WBSEDCL to give such electricity connection to the petitioner.

Accordingly, WPA No. 10742 of 2023 is disposed of by directing the petitioner to produce documents of *prima facie* possession of the petitioner with regard to the property-in-question before the WBSEDCL, for the purpose of the WBSEDCL processing the application for new connection of the petitioner. Such production of documents shall be made within a week from date.

An estimate, subject to such production, shall be raised by the WBSEDCL within a week thereafter, subject to compliance of all formalities by the petitioner. Thereafter, the electricity connection shall be given in the name of the petitioner by the WBSEDCL as expeditiously as possible, positively within one week after the compliance of all formalities by 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.)