

WPA 12721 OF 2023

14.09.2023

Sl no. 45

Ct no. 2

P.M.

Rightepay Corporation Ltd. & Anr.

- Vs -

**The Chairman & Managing Director, West Bengal
State Electricity Distribution Company
Limited & Ors.**

Mr. Subhabrata Chowdhury

Mr. Biswajit Goswami,

Ms. Tripti Pandey,

Mr. M. Mistry

... for the petitioners.

Mr. Debanjan Mukherjee

... for WBSEDCL

Ms. Ishita Basu

... for private respondent Nos. 6, 7 & 8

Heard learned advocates appearing for the parties including the respondent electricity authority and the private respondent No. 8.

Grievance in this writ petition raised by the petitioners relates to providing new electricity connection to the petitioners in spite of making application dated 16th May, 2023.

Learned advocate appearing for the respondent electricity authority submits that the application submitted by the petitioners is defective as such the same could not be considered and they have already intimated the defect to the petitioners by their intimation dated 18th May, 2023 and submits that if petitioners submit fresh application with all legal

formalities the same may be considered in accordance with law by them.

Learned advocate appearing for the private respondent No. 8 opposes this writ petition by contending that occupation of the premises in question by the petitioners is illegal and a civil suit is pending against it.

I am of the considered view that objection raised by the private respondent No. 8 is a civil dispute between the two private parties which is pending and till the petitioners' possession is declared illegal by a civil Court it is entitled to get electricity connection by following due process of law and petitioners cannot be denied essential service like electricity.

Considering the facts and circumstances of this case and submission of this parties this writ petition being WPA 12721 of 2023 is disposed of by granting liberty to the petitioners to make a fresh application for new electricity connection and if such application is submitted by the petitioners and petitioners comply all legal formalities, the respondent electricity authority shall provide electricity to the petitioners within four weeks from the date of making such application after compliance

of all the formalities if it is found that petitioners are entitled under the law to get electricity connection and if the electricity authority faces any physical resistance they will be free to take police assistance at the cost of the petitioners.

This order will not have any impact over the pending civil suit.

(Md. Nizamuddin, J.)