

D/L. 26.
September 6, 2023.
MNS.

WPA No. 13162 of 2023

Panchu Gopal Sanfui
Vs.
The Chairman cum Managing Director and
others

Mr. Sudarshan Ghosh

... for the petitioner.

Mrs. Suvasree Ghose

...for the WBSEDCL.

1. Learned counsel for the petitioner argues that the petitioner deposited the due amount in terms of an One-time Waiver Scheme floated by the State Government, but despite such deposit, electricity connection is not being given to the petitioner.
2. Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) hands over a copy of a written objection by the private respondent no. 4 where it boldly asserts that he had objection due to disputes regarding land and property and that he has prevented the WBSEDCL personnel from giving connection to the petitioner.

3. Mere existence of land dispute or property dispute is not a valid ground for preventing a person from enjoying electricity, which is the fundamental right of a citizen. Moreover, Section 43 of the Electricity Act, 2003 (2003 Act) confers such right on an occupant of a property.
4. In the event the private respondents have any dispute regarding land/property, it will be open for them to approach the appropriate forum for canvassing such dispute. However, the petitioner is otherwise entitled to electricity connection, having deposited all dues.
5. Accordingly, WPA No. 13162 of 2023 is allowed, thereby directing the WBSEDCL to give electricity connection to the petitioner within three weeks from date.
6. In the event the WBSEDCL personnel are prevented from doing so by the respondents nos. 4 and 5 and/or their men and agents, it will be open to the WBSEDCL personnel to approach the respondent no. 3, the Inspector-in-Charge, Joynagar Bakultola Police Station, who will provide adequate police assistance with full strength to the WBSEDCL personnel to give such connection to the petitioner.

7. The cost for such police assistance shall borne by the petitioner.
8. It is made clear that nothing in this order or the electricity connection given to the petitioner shall operate to the detriment of the rights and contentions of the parties before any civil forum or court, if approached for resolution of the title disputes between the parties.
9. In the event the private respondents have any other dispute to such electricity connection, they shall approach the concerned District Magistrate in due course of law and ventilate their grievance after the connection is given to the petitioner.
10. If such approach is made, the District Magistrate shall decide such issue in accordance with law upon giving an opportunity of hearing to the petitioner as well as the objector.
11. There will be no order as to costs.
12. 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.)