

AD-11
Ct No.09
19.06.2023
TN

WPA No. 13728 of 2023

Raja Khan
Vs.
The Chairman, West Bengal State Electricity
Distribution Company Limited and others

Mr. Syed Mosihar Rahman
.... for the petitioner

Mr. Sandip Mandal
.... for the WBSEDCL

Mr. Kamal Krishna Chakraborti,
Ms. Sriyani Das
.... for the respondent nos. 5 & 6

When the matter is called on for hearing, an adjournment is sought by the private respondents as well as the Distribution Licensee.

However, it is seen that service has already been effected on all the respondents duly and, as such, adjournment is refused.

The petitioner's Advocate shall file an affidavit of service to that effect during the course of the day.

The grievance of the petitioner is that the petitioner has sought a new electricity connection at his own premises, the extracts of the records-of-right relating to which have been annexed to the present writ petition.

However, due to resistance by the private respondents, the same is not being given.

Learned counsel appearing for the private respondents submits, on instructions, that the petitioner seeks to take an electricity connection over the property of the private respondents, to which the private respondents have an objection.

However, since electricity is a basic right conferred by Section 43 of the Electricity Act, 2003, the petitioner cannot be deprived of such relief.

Accordingly, WPA No. 13728 of 2023 is disposed of by directing the West Bengal State Electricity Distribution Company Limited (WBSEDCL) to give electricity connection to the petitioner, subject to the petitioner complying with all due formalities, within a fortnight from the date of compliance of such formalities or from this date, whichever is later.

In the event any obstruction is raised by the private respondents, the WBSEDCL will be at liberty to approach respondent no.4, the Officer-in-Charge, Shyampur Police Station, for adequate police assistance, which will be provided at the cost of the petitioner.

However, it is made clear that the electricity connection, as and when given to the petitioner, shall not create any special right or equity in favour of the

petitioner and shall not prejudice the rights and contentions of the private respondents in any manner whatsoever. It will be open to the private respondents, if aggrieved by the mode in which such connection is given, to approach the concerned District Magistrate with the said dispute for a resolution of the same.

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.)