

AD-19  
Ct No.09  
24.07.2023  
TN

WPA No. 14197 of 2023  
IA No: CAN 1 of 2023

Swapan Kumar Roy  
Vs.  
The West Bengal State Electricity Distribution  
Company Limited and others

Mr. Prantick Ghosh,  
Mr. Gobinda Chandra Baidya

.... for the petitioner

Mr. Shouveek Roy,  
Mr. Himanshu Bhawsinghnea

.... for the WBSEDCL

Mr. Sabyasachi Mukherjee,  
Ms. Debarati Choudhury,  
Mr. Mukesh Khanra,  
Mr. Bibek Dey,  
Mr. Syed Neaz Ahmed,  
Mr. Mrinmoy Nandy

.... for the respondent no.5  
and applicant in CAN 1 of 2023

**In Re: IA No. CAN 1 of 2023**

Learned counsel for the applicant submits that the applicant is the husband of the private respondent in WPA No. 14197 of 2023 and, being a fifty per cent owner of the property, is entitled to be impleaded as a party to the writ petition as well.

Learned counsel for the writ petitioner contends that he has no objection in principle to the said applicant being impleaded. However, the petitioner's

endeavour to get a new electricity connection in his name is being hampered in one manner or the other by the private respondent and her husband.

Taking into consideration the nature of the averments made in the application and by the parties, it is seen that the applicant in CAN 1 of 2023, the husband of the private respondent in the writ petition, is a necessary party to the writ petition.

Accordingly, IA No: CAN 1 of 2023 is allowed without any order as to costs, thereby impleading the applicant Sandipan Roy as a party respondent to the writ petition.

The necessary consequential amendments to the cause title of the writ petition shall be carried out by the learned Advocate for the petitioner during the course of the day.

**In Re: WPA No. 14197 of 2023**

The writ petition is now taken up for hearing.

Learned counsel appearing for the original private respondent and the added respondent submits that the petitioner is guilty of suppression of material facts, for which the writ petition ought to be dismissed. It is contended that the alleged power of attorney, on the strength of which the petitioner claims title, is tainted by fraud, since the same was

never executed by the private respondent. It is further submitted that the added respondent Sandipan Roy, even if he executed the purported deed of conveyance, would not be entitled to sell the entire property by way of such deed of conveyance, since he is only a fifty per cent owner of the same.

Such facts, it is submitted, have been suppressed by the writ petitioner.

That apart, it is contended that the writ petitioner had applied for information under the Right to Information Act and has come to know that there was no valid sanction plan for making a construction on the property. It is submitted that the said facts have been suppressed while making the writ petition. Hence, the writ petition ought to be dismissed.

Learned counsel for the writ petitioner controverts all the allegations made by the private respondent.

It is argued that the facts sought to be raised by the private respondent are not at all germane for the adjudication of the present writ petition, which pertains mainly to the petitioner's entitlement to get electricity connection.

Under Section 43 of the Electricity Act, 2003, it is submitted, since the petitioner is an occupant of the premises, the petitioner is undoubtedly entitled to

have an electricity connection at the premises irrespective of the allegations raised by the private respondent.

Insofar as the title of the petitioner vis-à-vis the private respondent with regard to the property-in-dispute is concerned, the same is not being adjudicated herein and, in any event, mere electricity connection cannot confer any special right or equity in favour of the consumer, that is, the writ petitioner. If the petitioner and/or the private respondent have any rival claims with regard to the veracity of the documents relied on by the petitioner and/or the respective titles of the private parties to the property-in-dispute, it is always open to them to approach the competent civil court for thrashing out such disputes.

However, it cannot be gainsaid that the petitioner is entitled to electricity connection at the premises in his name.

Learned counsel appearing for the WBSEDCL raises an issue at this juncture as to the petitioner being liable to apply in appropriate form, being form-B in the present case.

However, the petitioner had initially applied under form-B but subsequently did not press the same and proceeded with an application, apparently

under form-A, which is not applicable to the present case.

To resolve the issue, the petitioner ought to be given liberty to make an appropriate application under form-B.

Hence, WPA No. 14197 of 2023 is disposed of by directing the petitioner to file an application under form-B, for getting electricity connection at the premises-in-question, within a week from date. As and when such application is filed, the WBSEDCL shall raise an offer letter for giving such connection to the petitioner, indicating the amount and the formalities to be paid and complied with by the petitioner. Upon such estimate and offer letter being raised by the WBSEDCL, which shall be done within a week from a proper application being made by the petitioner, the petitioner shall comply with all such formalities as expeditiously as possible thereafter.

The WBSEDCL shall, upon the petitioner complying with all such formalities, give the electricity connection to the petitioner in the petitioner's name, within a fortnight thereafter positively.

In the event any obstruction is raised by the private respondents and/or their men and agents to the WBSEDCL in giving such connection, it will be open to the personnel of the WBSEDCL to approach

the respondent no.4, the Inspector-in-Charge, Rahara Police Station, who shall act on the server copy of this order on such occasion and grant police assistance as required, at the cost of the petitioner. The police, if need be, shall break open any obstruction or padlock, if put up in the way of access of the WBSEDCL personnel, to ensure compliance of the above directions.

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.)