

AD-32
Ct No.09
25.09.2023
TN

WPA No. 14828 of 2023

Jayanta Paul
Vs.
The State of West Bengal and others

Mr. Amlan Biswas,
Mr. Amitesh Chakraborty
.... for the petitioner

Mr. Ratul Biswas,
Ms. Debleena Dasgupta
.... for the State

Mr. Sankar Banerjee
.... for the WBSEDCL

1. Despite service, none appears for the private respondents.
2. The petitioner's grievance is that despite the petitioner having applied for an electricity connection as a co-owner of the property, the Distribution Licensee has not given the same. It is pointed out that by its letter dated August 30, 2017, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) wrote to the petitioner that there is strong objection by the private respondents and way leave permission is necessary. That apart, a court case and legal obligation over the premises was cited.

- 3.** Learned counsel for the WBSEDCL submits that it has no objection otherwise but the private respondents are obstructing the WBSEDCL personnel from giving connection.
- 4.** It is seen from the annexure to the writ petition that the WBSEDCL refused to give electricity connection to the petitioner as long back as in the year 2017. Hence, some doubt is cast on why the petitioner waited for so long to seek an electricity connection from the WBSEDCL.
- 5.** Be that as it may, since the petitioner is a co-owner of the property and, by law, is also deemed to be in occupation of the property, the petitioner is entitled to an electricity connection from such perspective. Moreover, the need to have an electricity connection is a continuing cause of action and mere delay does not defeat equity in the present case.
- 6.** Hence, WPA No. 14828 of 2023 is allowed, thereby directing the WBSEDCL to hold an inspection of the property to ascertain whether the petitioner is in occupation of the same and the feasibility of giving a connection in the name of the petitioner.
- 7.** Upon such inspection being held, if found feasible, the WBSEDCL shall issue a quotation to the petitioner. The entire exercise shall be completed

by the WBSEDCL within a fortnight from date. Upon such quotation being raised, the petitioner shall comply with the requisite formalities in law and procedure. The WBSEDCL shall, thereafter, give the new electricity connection to the petitioner within a fortnight upon compliance of due formalities by the petitioner.

8. It is made clear that if, on either of the occasions of holding inspection initially and giving electricity connection to the petitioner, physical obstruction is raised by the private respondents or their men and agents, it will be open to the WBSEDCL personnel to approach the Officer-in-Charge, Ghola Police Station, that is, the respondent no.6 herein, for adequate police assistance. If so approached, the respondent no.6 shall grant such assistance to the WBSEDCL at the cost of the petitioner by acting on a server copy of this order, without insisting upon prior production of a certified copy thereof. If need be, the police personnel will be at liberty to remove any hindrance or padlock, if put up by the private respondents to obstruct access of the WBSEDCL personnel to the existing meter board position for giving such metered connection to the petitioner.
9. There will be no order as to costs.

10. 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.)