

D/L. 29.
July 24, 2023.
MNS.

WPA No. 16576 of 2023

Dwijendra Nath Bhattacharjee
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Ms. Juin Dutta Chakraborty

... for the petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

Affidavit-of-service filed in Court today be
kept on record.

Despite service, none appears on behalf of
the respondent.

The petitioner contends that the petitioner
duly applied for an electricity connection, but due
to objection of the private respondent no. 4-Club
and its members, the inspection could not be held
by the West Bengal State Electricity Distribution
Company Limited (WBSEDCL) to give such
connection.

Learned counsel appearing for the
WBSEDCL corroborates such contention and
hands over a copy of a written objection filed by
the Club. In the said written objection, the Club

has admitted that the petitioner is in occupation of a room on the property-in-question. However, the Club has stated that it has objection to electricity connection being given to the petitioner.

The Club has also claimed title in respect of the property.

A perusal of the said written objection, the copy of which, handed over in court, is kept on record, shows that even the Club admits the petitioner's occupation of the property, irrespective of the lawfulness of the same. It is the settled position of law that a person in settled possession of a property is entitled to electricity connection under Section 43 of the Electricity Act, 2003 (2003 Act).

Whatever may be the disputes between the petitioner and the Club with regard to the title to the property, the factum of the petitioner's occupation cannot be denied. Hence, the petitioner cannot be deprived of electricity.

Accordingly, WPA No. 16576 of 2023 is disposed of by directing the WBSEDCL to hold an inspection of the room occupied by the petitioner and its neighbouring area to ascertain the feasibility of giving electricity connection thereto.

Such inspection shall be held within a week from date, upon prior notice to the petitioner and the Club.

Upon such inspection being held, if the WBSEDCL is of the opinion that an electricity connection can be otherwise given to the petitioner, the same shall be given to the petitioner, irrespective of the objection raised by the Club, within a fortnight from compliance of all formalities by the petitioner.

The WBSEDCL, in such regard, shall issue an offer letter within a week from the completion of such inspection.

In the event, either at the instance of holding the inspection or at the time of giving such connection to the petitioner, any objection is raised by the Club and/or its members in any manner whatsoever, it will be open to the WBSEDCL personnel to approach the respondent no. 3, that is, the Officer-in-Charge, Bauria Police Station, for adequate police assistance in that regard.

If so approached, the respondent no. 3 shall act on a server copy of this order for giving such assistance to the WBSEDCL personnel for

the purpose of taking the inspection and for giving connection to the petitioner, respectively.

Such police assistance shall be given at the cost of the petitioner on both such occasions.

It is clarified that nothing in this order shall create any special right or equity in favour of the petitioner and it will be open to both the petitioner and the Club to urge their respective alleged titles in a competent proceeding or suit before a competent forum or court.

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.)