

27.09.2023  
PB  
Sl. No.23.

WPA 17843 of 2023

Rimpa Kundu  
Vs  
The West Bengal State Electricity  
Distribution Company Ltd. & Ors.

Mr. Pankaj Halder,  
Mr. Sk. Abu Jafar,  
Ms. Dipannita Laha,  
Mr. Masikul Shaikh.  
... For the Petitioner.  
Mrs. Rituparna Maitra.  
.....For the WBSEDCL.

Heard learned advocate appearing for the parties.

Main grievance in this writ petition raised by the petitioner against the respondent electricity authority concerned is that in spite of compliance of all the formalities for new electricity connection, the respondent electricity concerned is not providing the electricity connection to the petitioner.

Learned advocate appearing for the respondent submits that the petitioner has not filed any document in support of occupying the premises in question in which petitioner has asked for providing electricity connection. The learned advocate appearing for the electricity authority submitted on 22<sup>nd</sup> September, 2023, before this Court that petitioner was asked to

submit tenancy agreement between the landlord and the petitioner in respect of the premises in question and to which Mrs. Maitra, learned advocate appearing for the electricity authority was asked to place any provision of law, rules and regulations if any under which such compliance has been asked for by them from the petitioner and as per direction of this Court dated 22<sup>nd</sup> September, 2023, she has produced the gazette notification dated 31<sup>st</sup> May, 2010 and particularly Clause 3.2.1(b)(c). I have perused the said clause and I find that there is no reference of any such production of landlord tenant agreement. Under the said Clause 3.2.1(b), the documents which may be asked to be produced are as hereunder:-

“(b) Document(s) of bonafide occupation or ownership of a premises, such as Passport/Voter Identity Card/Rent Bill/Rent Control Challan/Telephone Bill/Municipal or any other Tax Bill/any other document issued by any Ministry or Department of Government showing his occupancy in the premises etc.

(c) Way leave permission in the specified format in Form-1. ”

It is the specific case of the petitioner substantiated by record that one of the documents at least which is municipal certificate as appears from

page 15 of the writ petition was furnished to the electricity authority and way-leave permission in specified format in Form-I was also furnished.

Considering the facts and circumstances of the case and submission of the parties and the aforesaid gazette notification, I am of the view that electricity authority cannot deny the petitioner electricity connection for non-production of tenancy agreement between the landlord and the petitioner and they can only ask any of the documents referred in Clause 3.2.1(b)(c) of the aforesaid documents. Learned advocate for the electricity authority is not in a position to deny that the aforesaid Clause-(b) of the Gazette notification has been complied by the petitioner. Learned advocate for the electricity authority submits that other formality which is required to be complied by the petitioner is to deposit the quotation money which will be provided to the electricity authority within 15 days from the date of communication of this order and the petitioner will deposit the same within one week from the date of receipt of such intimation and on receipt of such deposit, electricity authority will take expeditious steps for providing electricity connection to the petitioner preferably within four weeks from the date of making

such deposit subject to compliance of any other legal formalities.

With this observation and direction, this writ petition being WPA 17843 of 2023 is disposed off.

**( Md. Nizamuddin, J.)**