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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 20903 of 2023

Lakshi Kanta Das
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Sayan Sinha,
Mr. Adil Naser,
Mr. Steven Sourodip Biswas,
Mr. Soham Kumar
...for the petitioner

Mr. Sujit Sankar Koley
...for the WBSEDCL

1. Despite service, none appears for the private respondent.
2. Affidavit-of-service filed in Court today be kept on record.
3. The grievance of the petitioner is that the petitioner made payments duly in terms of the quotation raised by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) for getting an electricity connection at his premises. However, the same is not being given to the petitioner on the ground that “court case and legal obligations” are pending in respect of the premises. It is argued that only a preemption case is pending at the behest of

the private respondent, in which no interim order has been passed. Thus, it is argued that the same cannot be a deterrent in the WBSEDCL giving electricity connection to the petitioner.

4. Learned counsel for the WBSEDCL submits that initially work order was issued to a contractor upon quotation being raised and payment being made by the petitioner. However, subsequently, the private respondent produced papers relating to pending litigation, for which the connection could not be given.

5. Further, it is argued that physical obstruction was offered by the private respondent and his men and agents when the officials of the WBSEDCL went to give such connection.

6. The petitioner has a basic right under Section 43 of the Electricity Act, 2003 as well as by way of a component of the right to life enshrined under Article 21 of the Constitution of India to get electricity connection in his own name at the premises where he is residing. Thus, the private respondent has no *locus standi* to obstruct such connection merely on the ground, not of any inconvenience of the

private respondent, but of pendency of litigation.

7. Moreover, no injunction order of any court exists restraining the connection from being given to the petitioner.

8. Accordingly, W.P.A. No. 20903 of 2023 is allowed, directing the WBSEDCL to give electricity connection to the petitioner in the petitioner's name within a fortnight from date, subject to compliance of all formalities by the petitioner.

9. In the event any obstruction is raised by the respondent no. 4 and/or his men and agents in doing so, the WBSEDCL shall be at liberty to approach the local police station.

10. If so approached, the Officer-in-Charge/Inspector-in-Charge, as applicable, of the local police station shall grant police assistance at the cost of the petitioner to ensure that the WBSEDCL can give such connection to the petitioner, if necessary by breaking open any padlock or removing other hindrance, if put up by the private respondent to prevent the WBSEDCL from doing so.

11. It is further clarified that nothing in this order or the electricity connection to the petitioner shall create any special right or equity

in favour of the petitioner and such connection shall not prejudice the rights and contentions of the petitioner and the private respondents in the pending litigation between them in any manner.

12. There will be no order as to costs.

13. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)