

D/L. 14.
September 27, 2023.
MNS.

WPA No. 21058 of 2023

Prabhabati Devi Gond
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. Prasad Bhattacharyya

... for the petitioner.

Mr. Debanjan Mukherji

...for the WBSEDCL.

1. Affidavit-of-service filed in Court today be kept on record.
2. Despite service, none appears on behalf of the private respondents, although the petitioner and the Distribution Licensee are represented through counsel.
3. The petitioner's grievance is that the petitioner purchased a demarcated shop room from some of the co-owners of the property and thereafter the said shop room has been mutated in her name. The petitioner has a trade licence.
4. However, due to obstruction raised by the private respondents, who are the co-owners of the property, the Distribution Licensee is not

being able to give electricity connection to the petitioner.

5. It is further submitted that the private respondents are taking a plea that a civil suit has been filed by them against the husband and brother-in-law of the petitioner, which is now pending.
6. Learned counsel for the Distribution Licensee submits that due to obstruction by the private respondents, the Distribution Licensee could not give electricity connection to the petitioner.
7. It transpires from the materials on record and the averments made that the petitioner has been able to show that she is in settled possession of the property. In the event the private respondents have any grievance as to the legality of such possession, it will be open to the private respondents to canvas such point before a competent civil court. However, the petitioner, as a person in settled possession, is entitled to electricity under Section 43 of the Electricity Act, 2003.
8. Accordingly, WPA 21058 of 2023 is allowed, thereby directing the Distribution Licensee to give electricity connection to the petitioner in her own name at the disputed premises within

a fortnight from date, or from the date of compliance of all formalities by the petitioner, whichever is later.

9. If any obstruction is created by the private respondents, the personnel of the Distribution Licensee will be at liberty to approach the respondent no. 7, that is, the Officer-in-Charge, Naihati Police Station, who will give adequate police assistance to the personnel of the Distribution Licensee at the cost of the petitioner, if so approached, for the limited purpose of giving electricity connection to the petitioner.
10. In the event any padlock or other hindrance is put up by the private respondents, the respondent no. 7 will be at liberty to break open the same for the limited purpose of complying with the above directions.
11. There will be no order as to costs.
12. 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.)