

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

WPA 184 of 2023

Madhab Das
Vs.
The West Bengal State Electricity Distribution Company Limited and
Ors.

Mr. Bikash Singha
Mr. Momenur Rahman
..for the petitioner

Mr. Sudipta Kanta Bhowmick
Mr. Anirban Banerjee
...for the WBSEDCL

Item No. 39

Judgment on: 01.02.2023

BIBEK CHAUDHURI, J. : –

The petitioner is aggrieved by perceived inaction on the part of the WBSEDCL in providing electric connection to the premises under occupation of the petitioner. It is submitted on behalf of the petitioner that he made an application before the respondent No.4 for granting electric connection to his premises on 20th May, 2022 for installation of new electric connection (domestic) in his name at this residential house

situated at Bamanpara within P.S. Kotwali, District – Jalpaiguri. Subsequently, the respondent raised bills for security deposit and service charges for new connection which was duly paid by the petitioner. In spite of receipt of the charges the petitioner was not provided with electric connection.

Learned advocate for the WBSEDCL, on the other hand, submits that after the application for new electric connection having been filed by the petitioner, one Sanjay Dey submitted a written objection stating, inter alia, that the petitioner has been staying in a disputed property and challenging the ownership of the property a civil suit is pending before the competent Court.

The learned advocate for the petitioner at this stage submits that even assuming without admitting that the petitioner does not have any right, title and interest in respect of the premises in question it is not denied that he is not the occupier of the suit premises. Even if the petitioner is a trespasser, he cannot be evicted without due process of law and as an occupier he is entitled to get electric connection. In

support of his contention he refers to an unreported decision of this Court in WPA 10534 of 2020 decided on 24th December, 2020 (Sukla Kar versus Calcutta Electric Supply Corporation Ltd. and Ors.).

The learned advocate for the petitioner also refers to an another unreported decision of a Co-ordinate Bench passed in WPA 3156 of 2022 on 28th February, 2022 in Sunita Dey versus CESC Ltd. and Ors. In the said report the learned Judge relied on a reported decision of this Court in the case of Santosh Jaiswal versus CESC Ltd. and Other reported in (2008) 4 CHN 630. It is evident from the said report that a person who is in settled occupation of the property is entitled to get electric connection.

Therefore, the respondents cannot deny installation of new electric connection in favour of the petitioner.

Under such circumstances, the respondents are directed to install new electric connection (domestic) in the residential house of the petitioner within four weeks from the date of this order.

However, it is made clear that the electric connection being given to the petitioner shall not create any special right or equity in favour of the petitioner and it will be open to the petitioner as well as the objector to raise their respective contentions in respect of the ownership of the property in a civil suit pending between them.

In the event, the men and agents of WBSEDCL are resisted by any third party, they are entitled to get proper police protection and the police authority is directed to render all possible help to them while installing electric meter in the residence of the petitioner at the expense of the petitioner.

The instant writ petition is, thus, allowed on contest, however, without costs.

The parties are at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)