

D/L.25.
April 3, 2024.
MNS.

WPA No. 7368 of 2024

Swapan Kumar Ghosh
Vs.
The State of West Bengal and others

Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee,
Mr. Vishal Mallick

... for the petitioner.

Mr. Malay Singh,
Ms. Neelam Singh

...for the State.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

...for the WBSEDCL.

1. The petitioner submits that the petitioner is a tenant in respect of a multistoried building and intends to run a business there, for which purpose a commercial electricity connection was applied for. Upon the petitioner complying with the initial formalities, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) wrote to the petitioner expressing its inability to give such connection on several grounds.
2. Apart from other grounds, court case and legal obligation, lack of requisite documents, formalities lying incomplete and that the petitioner is seeking child connection in a

multistoried building, which can only be given after effecting the main service connection, were cited by the WBSEDCL.

3. It is argued that as an occupier, the petitioner is entitled to an independent connection at the premises to operate his business. That apart, the petitioner is armed with the tenancy agreement, which entitles the petitioner to legally possess the premises.
4. Learned counsel for the WBSEDCL submits that even if the other formalities could be taken care of, the first ground of objection still remains.
5. It is argued that in a multistoried building, independent individual connections, better known as “child connections”, can only be processed after effecting the main service connection under Procedure-B as per the norms of the WBSEDCL.
6. In the present case, since the owner/landlord has not complied with due formalities for getting the main connection, the main service connection could not be given and consequentially the child connection sought by the petitioner cannot also be given.
7. Learned counsel for the petitioner submits that there is existing electricity connection at the

premises, which is being enjoyed by the landlord.

8. However, it is clarified by learned counsel for the WBSEDCL that the said connection was for the limited purpose of making the construction of the building and differs from a commercial connection or bulk connection as sought in the present case.
9. Upon a comprehensive consideration of the arguments, it transpires that the WBSEDCL is technically impeded from giving a new independent child connection to the petitioner, in view of the nature of the building, which is a multistoried building, where independent connections being given would cause a huge load factor, which would be detrimental to the safety and security of the inmates. In any event, the WBSEDCL norms do not permit such connections to be given except from a main service connection.
10. Since the private respondent chooses not to appear despite service, the stand of the private respondent is not clear.
11. What is evident is that due to the non-compliance of formalities by the private respondent, the main service connection cannot be given, leading the petitioner being deprived of electricity.

12. Hence, the only option before the petitioner is to ventilate his grievance in the pending suit between the petitioner and the private respondent, seeking appropriate reliefs to ensure that all formalities regarding main service connection are complied with to enable the petitioner to get the child connection.

13. Upon such order being passed by the civil court, the petitioner will be at liberty to approach the WBSEDCL intimating the same upon which the WBSEDCL, if otherwise legal formalities are complied with, shall give the connection to the petitioner in due course of law under Procedure-B to the WBSEDCL norms.

14. In the light of the above observations, WPA No. 7368 of 2024 is disposed of.

15. There will be no order as to costs.

16. 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.)