

D/L.5.
May 9, 2024.
MNS.

WPA No. 9476 of 2024

Shyamapada Majhi
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Kushal Chatterjee,
Mr. Shibjit Mitra,
Mr. Subhasish Mitra

... for the petitioner.

Mr. Kanak Kiran Bandyopadhyay

...for the WBSEDCL.

Mr. Meghnad Dutta,
Ms. Saswati Manna,
Sk. Mustafi Rahaman

...for the respondent nos. 4 to 8.

1. A report in the form of an affidavit filed by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) indicates that a common passage has been found, which can be the proposed route as per the WBSEDCL to give electricity connection to the petitioner.
2. The private respondents submit through counsel that a civil suit is pending between the private parties regarding the passage/property.

3. However, it is well-settled that mere giving of electricity connection does not create any special right in favour of the consumer.
4. Accordingly, WPA No. 9476 of 2024 is disposed of by directing the WBSEDCL to give a new electricity connection to the petitioner in terms of the report filed and the sketch map annexed thereto, subject to compliance of all formalities by the petitioner within a fortnight from date/compliance of all formalities, whichever is later.
5. It is made clear that if any obstruction is raised by the private respondents and/or their men and agents, it will be open to the WBSEDCL to approach the local police authorities for police help. If so approached, the Inspector-in-Charge/Officer-in-Charge, as applicable, of the said police station shall grant such assistance to the WBSEDCL personnel at the costs of the petitioner, on the basis of the server copy of this order without insisting upon prior production of certified copy. If necessary while doing so, the police authorities will be at liberty to remove any padlock or other hindrance, if put up to obstruct the WBSEDCL personnel.

6. It is made clear that nothing in this order or the electricity connection itself shall create any special right in favour of the petitioner, which the petitioner otherwise does not have in law and such connection, as and when given, shall be without prejudice to the rights and contentions of the parties in the pending civil suit.
7. There will be no order as to costs.
8. 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.)