

S/L 16
16.07.2024
Court. No. 9
Sourav

WPA 10979 of 2024

Sk. Asgar

Vs.

**West Bengal State Electricity
Distribution Company Limited & Ors.**

Mr. Abhilash Chatterjee

...for the petitioner.

Mr. Debjit Mukherjee

...for WBSEDCL.

1. Despite service, none appears on behalf of the respondent nos. 7 to 17.
2. The affidavit-of-service is taken on record. The track report downloaded from the website of the postal department has been annexed to the affidavit-of-service, which confirms service upon all the said respondents.
3. The petitioner has applied for new connection as owner of the property, which the petitioner received by way of a deed of gift. A civil suit is pending in respect of the property in question at the instance of the respondent nos. 7 to 17. The said respondents have challenged the deed of gift. The said suit is yet to be disposed of.
4. The learned advocate for the respondents/West Bengal State Electricity Distribution Company Limited submits that an inspection was made by the distribution company and while making arrangements for effecting such connection, the company was resisted. The contractor of the distribution company visited the premises on March 3, 2024 and March 10, 2024. A

report was filed with the company by the contractor. Such report has been annexed to the statement of facts which are taken on record.

5. It is contended by the petitioner that the suit may proceed in accordance with law. As the petitioner was found to be in possession, Section 43 of the Electricity Act, 2003 makes it the bounden duty of the distribution company to provide electricity to the petitioner.
6. An order of *status quo* has been passed in the suit, restraining the parties from changing the nature and character of the property in question. This order does not amount to an order of restraint upon the distribution company from effecting supply to the petitioner as long as the petitioner is in possession of the property in question. The petitioner is entitled to enjoy the electric connection upon compliance of all formalities.
7. Needless to mention, the connection shall be subject to the ultimate result in the civil suit and no equity shall be claimed by the petitioner if such connection is granted. The suit will proceed on its own merits.
8. Under such circumstances, if upon inspection, the petitioner is found to be in possession of the premises in question and if upon perusal of the order passed by the Civil Court, it is found that there is no restraint order upon the petitioner from obtaining electric supply to the premises in question in the pending suit, the connection shall be effected within a month from the date of communication of this order upon the petitioner

complying with other formalities. Way leave need not be submitted by the petitioner.

9. All the interested parties will be present during such inspection. The petitioner's contention is that there is a demarcated common passage between the land of the petitioner and those of the respondent nos. 7 to 17. The passage shall be shown to the authorities, and the authorities will effect connection without disturbing the respondent Nos.7 to 17.
10. The police authorities shall assist the distribution company.
11. Accordingly, the writ petition is disposed of.
12. However, there will be no order as to costs.
13. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)