

AD-35
Ct No.09
10.05.2024
TN

WPA No. 11608 of 2024

Rajib Lochan Panigrahi and another
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Ms. Kakali Pal
.... for the petitioners

Mr. Asif Dewan
.... for the WBSEDCL

Mr. Koushik Sarkar
.... for the respondent nos. 5 & 6

- 1.** The petitioners allege that the private respondent no. 6 is in unauthorized occupation of the property, not being an owner of the same, but has obtained electricity connection. The petitioners gave representations to the West Bengal State Electricity Distribution Company Limited (WBSEDCL) in that regard, raising objection to such connection but no heed has been paid to those by the WBSEDCL. Learned counsel for the petitioners further submits that there were previous orders of demolition of the property, against which challenges are pending.
- 2.** Learned counsel for the private respondent nos. 5 and 6 also seeks to impress upon the court that a partition suit is pending, in connection with which an injunction

prayer was refused, against which an appeal has been preferred.

- 3.** Be that as it may, the present writ petition has no connection with the civil suit pending between the parties.
- 4.** It is well-settled that irrespective of the lawfulness or otherwise of occupation, any person in settled occupation of a property is entitled to electricity connection under Section 43 of the Electricity Act, 2003.
- 5.** Thus, I do not find any merit in the representation of the petitioners asking the WBSEDCL to enter into an adjudication on such issue.
- 6.** Thus, WPA No. 11608 of 2024 is dismissed without any order as to costs.
- 7.** However, it is made clear that the respective contentions of the parties in the pending civil suit or any other litigation pending before any court/forum shall not be prejudiced in any manner by any of the observations made herein and all such courts/forums shall decide the issues pending before them independently in accordance with law.
- 8.** It is also clarified that the electricity connection in favour of the respondent no. 6 shall not by itself create any special right or equity in favour of the respondent no. 6 which the said respondent otherwise does not have in law.
- 9.** There will be no order as to costs.

- 10.** 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.)