

AD-04
Ct No.09
31.01.2024
TN

WPA No. 11730 of 2023

Sk. Sabir

Vs.

The West Bengal State Electricity Distribution
Company Limited and others

Ms. Juin Dutta Chakraborty,
Mr. Bidan Modak,
Ms. Madhumita Paul

.... for the petitioner

Ms. Suvasree Ghose

.... for the WBSEDCL

- 1.** Despite service, none appears for the private respondent although the West Bengal State Electricity Distribution Company Limited (WBSEDCL) and the petitioner are represented through counsel.
- 2.** The petitioner claims to be a purchaser from a co-owner of the disputed property. The petitioner is, according to him, in possession of the property and the petitioner's name has been recorded in the LR records. Although the private respondent has apparently challenged such recording, the challenge has not yet reached its conclusion.
- 3.** It is also pointed out by learned counsel for the petitioner, in her usual fairness, that the private respondent is also urging that there is a suit pending between the private parties for which the

electricity connection sought by the petitioner ought not to be given to him.

4. However, it is submitted that mere pendency of the suit or subsistence of a *status quo* order therein does not prevent the WBSEDCL, which is not a party to the suit, to give such connection to the petitioner.
5. Learned counsel for the WBSEDCL submits that when the said Distribution Licensee sought to give electricity connection, there was huge resistance at the locality.
6. The petitioner, as of today, has his name recorded in the LR records which furnishes sufficient *prima facie* proof of his occupation of the property. Insofar as the *status quo* order is concerned, the mere grant of electricity connection does not disturb the *status quo* of a property in any manner whatsoever.
7. In any event, the petitioner is entitled under Section 43 of the Electricity Act, 2003 to get an independent electricity connection in his name.
8. Thus, WPA No. 11730 of 2023 is disposed of by directing the WBSEDCL to give electricity connection in the name of the petitioner at the disputed premises from the existing meter board position subject to compliance of all formalities by the petitioner in that regard, positively within

three weeks from the date of such compliance by the petitioner or this order, whichever is later.

- 9.** If any resistance is faced by the WBSEDCL personnel while taking an inspection or giving such connection, the WBSEDCL will be at liberty to approach respondent no.3, that is, the Officer-in-Charge, Bagnan Police Station who will act on the server copy of this order and grant such assistance to the WBSEDCL personnel at the cost of the petitioner at both instances, during inspection and/or at the time of giving such connection. If any padlock or other hindrance is put up, it will be open to the Police to remove the same for giving access to the WBSEDCL personnel for such limited purpose.
- 10.** There will be no order as to costs.

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.)