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14.05.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 12641 of 2024

Mithu Ghosh
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Arunava Ganguly
... for the petitioner

Mr. Debjit Mukherjee
...for the WBSEDCL

1. Despite service, none appears for the private respondents.
2. Affidavit of service filed in court today be kept on record.
3. The petitioner sought for an electricity connection at the premises occupied by the petitioner. However, when the connection was sought to be given by the West Bengal State Electricity Distribution Company Limited (WBSEDCL), resistance was faced from one Narendrapur Math Committee, which also gave a written representation.
4. A set of written instructions filed today by the WBSEDCL be kept on record.
5. Learned counsel for the petitioner submits that although the Narendrapur Math Committee

allegedly put up a resistance, the private respondents herein are all members of the said committee.

6. Learned counsel for the WBSEDCL submits that the said Licensee has already held inspection and issued an offer letter but could not give connection to the petitioner due to the resistance by the said committee.

7. It is uncertain as to whether the “committee” which has raised an objection is even a registered entity or a juristic person at all.

8. In the writ petition, specific allegations have been made by the petitioner that the private respondents have been raising such objections. Learned counsel for the petitioner, during arguments and on instruction, submits that the private respondents are all members of such committee.

9. Thus, in view of the WBSEDCL being prima facie satisfied that the petitioner is otherwise entitled to get electricity connection, I do not find any reason to deprive the petitioner of such benefit, particularly in view of the provisions of Section 43 of the Electricity Act, 2003.

10. Accordingly, W.P.A. No. 12641 of 2024 is disposed of, thereby directing the WBSEDCL to give

electricity connection to the petitioner within a fortnight from date.

11. In the event the WBSEDCL personnel face any obstruction, it will be open to the said personnel to approach the respondent no. 3, that is, the Officer-in-Charge, Jagatballavpur Police Station, who will grant assistance to the WBSEDCL personnel to give such connection to the petitioner, at the cost of the petitioner, by acting on a server copy of this order.

12. There will be no order as to costs.

13. Urgent certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)