

21st May,
2024
(AK)
07

W.P.A 13595 of 2024

Debsharan Ghosh
Vs.
The State of West Bengal and others

Mr. Moniruzzaman
Mr. Jahangir Badsha
...for the petitioner.

Ms. Susmita Chatterjee
...for the WBSEDCL.

Mr. Uday Sankar Chattopadhyay
Ms. Aiswarya Datta
...for the respondent nos.6 to 8.

1. Affidavit-of-service filed in court today be kept on record.
2. Learned counsel for the petitioner argues that the petitioner was enjoying electricity connection from the WBSEDCL but the same was disconnected due to non-payment of dues.
3. Subsequently, the petitioner paid the dues on March 15, 2024 but when the WBSEDCL sought to reconnect the electricity supply, due to resistance by the private respondents, the same could not be restored.

4. Such stand is corroborated by the WBSEDCL through counsel who files written instruction in that regard which is kept on record.
5. It is found from the same that a written objection given by the private respondents is also annexed thereto.
6. The written objection indicates that the private respondents oppose the reconnection of the electricity to the petitioner.
7. Learned counsel for the private respondents makes three submissions.
8. First, the petitioner has suppressed the fact that the petitioner made an application under Section 144 of the Code of Criminal Procedure on the self-same cause of action, where certain directions of filing of report by the police were passed.
9. Secondly, it is argued that a civil suit is pending between the parties.
10. Thirdly, the private respondents have been unnecessarily impleaded since they have never objected to the electricity connection being restored to the petitioners.
11. Taking last things first, the respondents' objection is depicted in writing which has been handed over in court today by the WBSEDCL, belying the last

contention of the private respondents that they have not been resisting the reconnection of supply.

12. Regarding the pendency of a civil suit, mere pendency of a suit cannot be a deterrent in giving electricity connection to a person, particularly since there is no specific injunction order produced before the court to restrain such connection being given.
13. Thirdly, the filing of an application under Section 144 of the Code of Criminal Procedure by the petitioner is not at all relevant in the present context.
14. The only relevance which the said development could have is that it reiterates the fact that the private respondents had actually objected to the reconnection of electricity being given to the petitioner.
15. Thus, so-called suppression of the said proceeding is not germane in the present adjudication at all.
16. In such view of the matter, since the petitioner has a right to get a reconnection which is admitted by the WBSEDCL, the private respondents have no right whatsoever to prevent the same from happening.
17. Accordingly, WPA 13595 of 2024 is allowed on contest, thereby directing the WBSEDCL to restore

the electricity supply of the petitioner as expeditiously as possible, positively within one week from date.

18. In the event any obstruction is offered by the private respondents and/or their men and agents in doing so, the WBSEDCL shall approach respondent no.5, the Officer-in-Charge of the Ketugram Police Station who will grant adequate police assistance at the cost of the petitioner to ensure that such connection is given to the petitioner, if necessary for the purpose, by removing any padlock or other hindrance put up by the private respondents to prevent the WBSEDCL personnel for complying with this order.
19. Parties shall act on a server copy of this order without insisting upon prior production of a certified copy for the purpose of compliance.
20. The documents filed today are kept on record.
21. There will be no order as to costs.
22. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)