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22.05.2024
Mb

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13702 of 2024

Purnima Shil
Vs.
The State of West Bengal & Ors.

Mr. Rajdeep Adhikari
...for the petitioner

Ms. Amrita Panja Moulick,
Ms. Tuli Sinha
...for the State

Dr. Madhusudan Saha Roy
...for the WBSEDCL

1. Affidavit of service filed in court today be kept on record.
2. Since the private respondents have refused service, the same is deemed to be proper service and the writ petition is taken up for hearing in the absence of the private respondents.
3. The petitioner contends that the petitioner, being a tenant in respect of the subject property, sought an electricity connection in the petitioner's name, which could not be given by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) due to obstruction created by the landlords/private respondent nos. 5 and 6.

4. Learned counsel for the WBSEDCL submits that the said Licensee could not even hold inspection for the purpose of ascertaining feasibility due to obstruction raised physically by the private respondents and their men and agents. The objection given in writing by the private respondents is also handed over in court today and kept on record, which indicates that the private respondents admit that the petitioner is a tenant in respect of the property but merely state that the private respondents were not consulted before taking such connection.

5. Lack of consultation with the owner is not a valid ground for preventing a person from getting electricity connection within the contemplation of Section 43 of the Electricity Act, 2003.

6. Since the petitioner has a right to get electricity connection independently irrespective of the permission of the landlords, and in view of the petitioner being admittedly a tenant and in occupation of the property, there cannot be any impediment in the WBSEDCL giving electricity connection to the petitioner, subject to compliance of all formalities by the petitioner.

7. Accordingly, W.P.A. No. 13702 of 2024 is allowed, thereby directing the WBSEDCL to hold an inspection within a week from date at the subject

premises to ascertain the feasibility of giving a new electricity connection to the petitioner.

8. After such feasibility being ascertained, the WBSEDCL shall raise an offer letter to the petitioner.

9. Upon compliance of all formalities by the petitioner, the WBSEDCL shall give such new connection to the petitioner within a fortnight from the date of such compliance of formalities.

10. In the event any obstruction is raised by the private respondents and/or their men and agents on either of the occasions - holding inspection and/or giving connection - it will be open to the WBSEDCL personnel to approach the respondent no. 4, that is, the Inspector-in-Charge, Baguihati Police Station, for adequate police assistance.

11. If such approach is made, the respondent no. 4 shall, acting on a server copy of the order, provide such assistance at the cost of the petitioner on both the occasions, if necessary, by removing any padlock or other hindrance if put up by the private respondents.

12. It is made clear that such connection shall not create any special right or equity in favour of the petitioner which the petitioner does not otherwise have in law.

13. There will be no order as to costs.

14. Urgent Photostat certified copy of this order, if applied, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)