

D/L.10.
April 9, 2024.
MNS.

WPA No. 15910 of 2023

Habibullah Khan
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar

... for the petitioner.

Mr. Sumit Roy

...for the WBSEDCL.

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioner submits that the petitioner's commercial electricity connection for running his husking mill was severed due to non-payment of dues in view of financial stringency of the petitioner.
3. However, subsequently, the petitioner deposited the dues and all formalities were complied with for getting a new domestic electricity connection.
4. When the West Bengal State Electricity Distribution Company Limited (WBSEDCL) personnel went to give such connection, it could not be given due to resistance offered by the private respondents. The above episode happened in the year 2016,

whereupon the petitioner has been making repeated representations to the WBSEDCL, but as yet no new domestic connection has been given.

5. Learned counsel appearing for the WBSEDCL submits that the matter has a chequered history. The petitioner sought for a domestic connection, although it was being used for the husking mill. The matter had ultimately gone to the Station Manager, where the Station Manager acceded to the request of the petitioner, but submitted that due to resistance by the petitioner's brother, the connection could not be given. The petitioner assured that he would talk with his brother. Thereafter, an eviction decree was passed at the behest of the father of the petitioner against the petitioner.
6. However, it transpires that though the petitioner has not disclosed the above facts in the writ petition and would not be otherwise eligible to get an equitable remedy, in view of the fair stand taken by the WBSEDCL that it is willing to give a new domestic connection to the petitioner, the said lacuna of the petitioner can be glossed over. Moreover, electricity is one of the basic amenities of life and as such, the petitioner should not be deprived of such

facility except on very high grounds of inequity.

7. As such, in view of the agreeability of the WBSEDCL, the cause of action of the petitioner is deemed to be still alive.
8. Although it is contended by the WBSEDCL that an eviction decree has been passed against the petitioner, there is nothing on record to indicate that the petitioner has been dispossessed as yet.
9. It is well-settled that a person in settled occupation of the property, irrespective of the lawfulness of such occupation or otherwise, is entitled to get electricity connection under Section 43 of the Electricity Act, 2003 (2003 Act).
10. Since the private respondents choose not to appear despite service, which is evident from affidavit-of-service, the matter is being decided *ex parte*.
11. Accordingly, WPA No. 15910 of 2023 is disposed of by directing the WBSEDCL to give a new domestic electricity connection to the petitioner, subject to the petitioner complying with all due formalities at current rates, as early as possible.
12. If any resistance is offered from the end of the private respondents, it will be open to the

WBSEDCL personnel to approach the local police station, who will provide adequate police assistance at the cost of the petitioner, by acting on a server copy of this order, if necessary, removing any padlock or other hindrance to do so.

13. There will be no order as to costs.

14. 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.)