

D/L 20
08.11.2024
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 21345 of 2024

Sri Ramkrishna Biswas & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Saibalendu Bhowmik
Mr. Biplab Guha
Mr. Rajsekhar Basu
Mr. Subrata Bhattacharjee
Mrs. Srilekha Chattopadhyay

...for the Petitioners.

Mr. Srijan Nayek
Mrs. Rituparna Maitra

...for WBSEDCL.

1. Affidavit of service filed in Court today is retained with the records.
2. The petitioners are aggrieved by the act on the part of WBSEDCL in not providing commercial electricity connection despite receipt of the quoted amount.
3. By a communication dated 18th July, 2024, the petitioners have been intimated that the issue is sub-judice and without the legal order from judicial authority, the Distribution Company is unable to process the application any further. The petitioners have been requested to visit Bongaon CCC for further information.
4. Fact remains that an objection was submitted by the private respondent before the authority with a request not to grant electricity connection in favour of the petitioners. The objection is annexed at Page-50 of the writ petition. It appears that a dispute has been raised by the private respondent with regard to enjoyment and possession of the property where the connection has been sought for.
5. Learned advocate for the petitioners asserts that his clients are in possession of the plot of land where the connection has been

sought and as per the decision passed by the Full Bench of this Court in ***Abhimanyu Mazumdar v. Superintending Engineer and Anr.*** reported in ***AIR 2011 Calcutta 64***, the authority ought to provide connection to the occupier.

6. Learned advocate representing the Distribution Company Limited submits that the application could not be proceeded with in view of the objection that has been received from the private respondent.
7. It has been submitted that the ratio of the decision in *Abhimanyu Mazumdar* (supra) is not applicable in the facts and circumstances of the instant case.
8. None represents the private respondent. Affidavit of service filed in Court today is taken on record.
9. Upon hearing the parties and upon perusal of the documents placed before this Court, it appears that the authority expressed their inability to proceed with the matter claiming the same to be sub-judice. No order passed by the competent Court has been placed before this Bench restraining the Distribution Company Limited to supply electricity to the petitioners. Learned advocate for the petitioners submits that there is no civil suit pending in between the parties. A case has, however, been filed by them under Section 144 of Cr.P.C.
10. The Court, is of the opinion, that the authority ought to conduct a spot inspection upon prior notice to the petitioners and the objector to ascertain as to who is in possession of the place where the connection has been sought for. If it is found that the petitioners are in possession of the place where the connection has been sought for, then the authority shall take steps to proceed for granting electricity connection to the petitioners. Without a specific order from any competent Court restraining grant of electricity connection, the authority ought not to

deprive the petitioners from enjoying electricity being an essential commodity.

11. Spot inspection to ascertain possession shall be conducted at the earliest, but positively within a period of four weeks from the date of communication of this order. A final order on consideration of the spot inspection report and upon hearing the submission made on behalf of the parties shall be passed and communicated to the parties within a period of eight weeks from the date of communication of this order.
12. The writ petition stands disposed of.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)