

24.04.2025
Sl. No.30
Ct. No.15
Suman

WPA 7880 of 2025

Biswajit Bera
-vs-
The State of West Bengal & Ors.

Mr. M. P. Gupta
Mr. Ayan Mitra
Ms. Moumita Dhar
Ms. Shinjita Ray
Ms. Madhumita Debnath
..for the petitioner

Dr. Madhusudan Saha Roy
Mr. Debanjan Chatterjee
..for WBSEDCL

Despite service of notice, respondents nos. 5, 6, and 7 have not entered an appearance.

The petitioner had been conducting his business from a shop room located at Abhoynagar 1/XII, Bally, District Howrah, Pin-711205. The relevant building was developed by a promoter (respondent no. 5).

It is not in dispute that the petitioner has been relocated to the newly constructed building. It is also undisputed that, although other occupants of the said building have been provided with electricity connections, the petitioner's shop room remains without an electricity supply due to the non-cooperation of the developer (respondent no. 5).

The West Bengal State Electricity Distribution Company Limited (WBSEDCL) has required a letter of

possession from the promoter (respondent no. 5) as a prerequisite for providing the electricity connection.

Learned counsel for the petitioner submits that due to a strained relationship with the promoter (respondent no. 5), the petitioner is unable to procure such a letter. However, it is further submitted that a tripartite agreement has already been executed among the promoter (respondent no. 5), the landlords (respondent nos.6 and 7), and the petitioner, in which the petitioner's allocation within the building has been clearly delineated. Based on this agreement, it is contended that WBSEDCL can independently verify the petitioner's possession and provide the electricity connection accordingly.

Counsel for WBSEDCL submits that, in principle, the authority has no objection to granting electricity connection to the petitioner. However, it reiterates the procedural requirement of submitting a possession letter from the promoter (respondent no. 5).

In light of the above, this Court is of the view that WBSEDCL may proceed to effect the electricity connection to the petitioner's shop room on the basis of the agreement for sale dated November 1, 2021, executed among the petitioner, the landlords, and the promoter, especially in the absence of any dispute

regarding the petitioner's possession of the said premises.

Accordingly, the writ petition is disposed of with a direction to WBSEDCL to provide electricity connection to the petitioner's shop room within a period of one month from the date of this order, subject to the petitioner's compliance with all requisite formalities.

The petitioner shall submit a copy of the agreement for sale dated November 1, 2021, which shall be retained on record by WBSEDCL for the purpose of processing the electricity connection.

If required, WBSEDCL shall be at liberty to seek assistance from the local police station to implement this order, with any associated costs to be borne by the petitioner.

Accordingly, **WPA 7880 of 2025** is disposed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)