

01.09. 2025
ML.7

Court No.15
Sg

WPA 17267 of 2025

Mamoni Hazra

Vs.

**The West Bengal Electricity Regulatory
Commission & Ors.**

Mr. Palash Bapari

....for the petitioner.

Mr. Shankar Banerjee

....for the WBSEDCL.

Mr. J.K. Mandal

Mr. Sayantan Rakshit

....for the respondent no.5.

The petitioner seeks an electricity connection for the premises situated at Sinhet, Dadpur, Hooghly. The petitioner claims to be the owner of the said premises.

The prayer of the petitioner is vehemently opposed by respondent no. 5. Respondent no. 5 submits that the petitioner has suppressed material facts, inasmuch as he is only a tenant of the premises in question and that an eviction decree has already been passed against him. Attention of this Court has also been drawn to the execution proceedings initiated in connection with the said decree, and reliance has been placed on the judgments reported in ***AIR 1994 Supreme Court 853 (S.P. Chengalvaraya Naidu Vs. Jagannath), (2010) 14 SCC 38 (Ramjas Foundation Vs. Union of India), (2008) 12 SCC***

481 (K.D. Sharma Vs. Steel Authority of India Limited). On such basis, it is urged that the writ petition should be dismissed for suppression of material facts and for committing fraud upon this Court.

Learned counsel appearing for WBSEDCL submits that WBSEDCL is prepared to provide an electricity connection to the petitioner; however, due to resistance from respondent no. 5, the connection could not be effected.

It may be that the petitioner is not the owner of the premises. Nevertheless, even on the case made out by respondent no. 5, the petitioner was a tenant in respect of the premises and is still in possession thereof, since he has not yet been evicted in execution proceedings pursuant to the eviction decree.

In considering a prayer for electricity connection, this Court is not concerned with the title of the petitioner or any other proprietary right, but only with the fact that the petitioner is in settled possession of the premises. Needless to mention, mere grant of an electricity connection does not confer any right, title, or interest upon the petitioner.

Accordingly, the writ petition is allowed. WBSEDCL is directed to provide electricity

connection to the petitioner within a period of three weeks from the date hereof, subject to compliance with all requisite formalities. The Officer-in-Charge of the local police station shall render necessary assistance to the officials of WBSEDCL for implementation of this order, and the petitioner shall bear the costs of such police assistance.

It is made clear that this electricity connection shall have no bearing on the execution of the eviction decree against the petitioner. Such proceedings shall continue in accordance with law, irrespective of the present order.

Accordingly, WPA 17267 of 2025 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(Kausik Chanda, J.)