

01.09. 2025
ML.9.

Court No.15
Sg

WPA 18270 of 2025

Anju Pande and Anr.

Vs.

The State of West Bengal & Ors.

Dr. Pradip Banerjee

Mr. Mrinal Saha

....for the petitioners.

Ms. Priyanka Jana

....for the respondent no.8.

Mr. Parimal Sardar

....for the respondent nos. 10 & 11.

Mr. Kanak Kiran Bandopadhyay

....for the WBSEDCL

Mr. Amitava Choudhury

Ms. Susmita chatterjee

....for the State.

The petitioners seek electricity connection in respect of three flats situated on the fourth floor at premises no. 65, Exhibition Bagan Road, Berhampore, Murshidabad, Pin – 742101.

It appears that there was a development agreement between the petitioners, certain other persons as the landlords, and respondent no. 8 as the developer.

Learned counsel appearing for respondent no. 8 submits that pursuant to the development agreement, the petitioners have already been paid a sum of Rs. 1,17,95,000/- (Rupees One Crore Seventeen Lakhs Ninety-Five Thousand only). The said agreement does not provide for allocation of any flats in favour of the petitioners. Accordingly, it is

contended that the petitioners are not entitled to electricity connection in respect of the said three flats.

Learned counsel for WBSEDCL submits that the applications of the petitioners were duly considered. However, they were called upon to submit documents in support of their possession and way leave, which they failed to produce. Consequently, the connection could not be effected. Upon inspection, WBSEDCL found that the petitioners had been enjoying electricity through an unauthorized connection.

It appears from page 74 of the writ petition that the partners of respondent no.8 themselves placed the petitioners in possession of the three flats in question and, by a letter dated July 22, 2025, requested them to vacate the said flats. This Court is not concerned with the issue of title to the three flats. Page 74 of the writ petition, however, is a document evidencing possession of the petitioners with respect to the said flats.

The dispute between the petitioners and respondent no. 8, arising out of the development agreement, cannot be adjudicated in the present writ petition. This Court is of the view that since the petitioners are in settled possession of the three flats, they cannot be deprived of electricity connection.

Learned counsel for respondent no. 8 submits that, if at all the Court directs grant of electricity connection, it should be provided in the name of the promoter, since under the development agreement no flats were allotted to the petitioners and their monetary claim has already been satisfied.

As already noted, this Court is not concerned with the disputes arising out of the development agreement between the petitioners and respondent no. 8. The connection is to be granted for the flats under possession of the petitioners, and there is no justification to direct that it be given in the name of the promoter.

There is, however, a dispute regarding flat numbers. From the petitioners' application, it appears that they applied for one connection in respect of flat no. 4AB. Admittedly, there are three distinct flats, being flat nos. 4A, 4B, and 4C. Hence, no connection can be granted in respect of "flat nos. 4AB" as jointly applied for.

In that view of the matter, liberty is granted to the petitioners to file a fresh application for electricity connection in respect of flat nos. 4A, 4B, and 4C. If such application is made before WBSEDCL, the connection shall be effected in favour of the petitioners within three weeks from the date of receipt of the fresh application, subject to compliance with all requisite formalities. WBSEDCL

shall not insist upon production of documents in support of possession or any way leave.

The Officer-in-Charge of the local police station shall extend necessary assistance to the officials of WBSEDCL for implementation of this order, and the costs of such police assistance shall be borne by the petitioners.

It is further made clear that grant of electricity connection shall not confer any right, title, or interest upon the petitioners in respect of the aforesaid three flats.

Accordingly, WPA 18270 of 2025 stands disposed of.

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

(Kausik Chanda, J.)