

Item No.3
24.03.2026
Court. No. 12
GB

MAT 218 of 2026
With
CAN 1 of 2026

Anarul Mondal
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

*Mr. Mrinal Kanti Ghosh,
Mr. Prosun Mondal,
Ms. Shreyasi Nath,
Ms. Asha Kumari Manjhi*

...for the Appellant.

Mr. Debanjan Mukherjee

...for the WBSEDCL.

1. Affidavit-of-service filed in Court today, is taken on record.
2. Despite service none appears on behalf of the petitioner/respondent no.7.
3. The appellant was the added respondent in the writ petition. The appellant is aggrieved by the order passed by the learned Single Judge directing the West Bengal State Electricity Distribution Company Limited, to provide electricity to the respondent no.7 upon complying with all formalities, within a period of four weeks from the date of communication of the order. The writ petition was filed by one Renuka Bibi for grant of new electricity connection.
4. Mr. Ghosh, learned advocate for the appellant submits that two title suits are pending in respect of the self-same property. One filed by the appellant

and the other filed by the husband of the respondent no.7, being Title Suit No.90 of 2015 and Title Suit No.838 of 2015. According to Mr. Ghosh, in Title Suit No.90 of 2015, filed by the husband of the respondent No. 7, the prayer for injunction was refused by the learned civil Court. This aspect was suppressed in the writ petition. The factum of pendency of Title Suit No.838 of 2015 was also suppressed in the writ petition. In Title Suit No.838 of 2015, the appellant had been favoured with an order of status quo with regard to the plot in question. Under such circumstances, the writ petition should have been dismissed, not only on the ground of pendency of the civil suits, but also on the ground that there was gross suppression of facts.

5. It is next submitted that neither Renuka Bibi nor her husband was in possession of the land in question and as such, unless a person occupies the premises, the question of grant of electricity does not arise.
6. Mr. Mukherjee, learned advocate for the WBSEDCL submits that the order of His Lordship had been complied with. The WBSEDCL has granted connection to the premises of Renuka Bibi upon following the statutory procedure. He further draws the attention of this Bench to the fact that the possession of Renuka Bibi was not denied before the writ Court.

7. Mr. Ghosh now submits that the manner in which the electric connection has been drawn and the overhead line has been strung, the appellant who is in possession will not be in a position to raise further construction. This contention of Mr. Ghosh is fallacious, as Mr. Ghosh himself relies on an order of status quo passed by the civil court in respect of the plot in question.
8. In any event, this issue is beyond the scope of the appeal and we are not inclined to go deeper into the factual aspects. It is expected that the WBSEDCL has acted in terms of the statutory provisions and in case of any infraction of law in the grant of new connection, the appellant will have a fresh cause of action.
9. Under such circumstances, the appeal and the connected application are dismissed. His Lordship directed that the connection should be granted upon compliance all formalities.
10. However, dismissal of this appeal shall not be construed as a declaration of the right, title, interest and possession of Renuka Bibi or her husband in respect of the suit plot as these issues shall be finally decided in the pending suits, independently. The supply of electricity shall be subject to the result of the suits.

11. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)