WPA 26099 of 2026

Suchitra Marjit
-vs-
16. 11.2026 State of West Bengal & Ors.
sl.no.9

Mr. Asfak Ahammed
…for the petitioner

ct.652 Mr. Debanjan Mukherjee
…for the CESC

Mr. Pratiti Das
…for the respondent nos. 5,6

Mr. Falguni Bandyopadhyay
Mrs. Sarda Sha
…for the State

1. This writ petition is filed by the petitioner seeking direction upon the respondent /CESC for grant of separate domestic electricity supply connection at the ground floor portion occupied by the petitioner at premises No. 42, Nilmoni Mitra Street, Kolkata-700026.
2. Fact remains that there are other occupiers in the said building, being the mother and brother of the petitioner, all of them occupying specified separate portion of building and they permanently reside therein.
3. It appears that due to dispute between the parties, the electricity connection to the portion of the building where the petitioner permanently resides was cut off. Thus the petitioner filed her application before the respondent/CESC for a separate domestic

electricity connection in her own name at the ground floor portion where she permanently resides.

4. The Court directed the respondent/CESC to inspect the premises and file a report, which is submitted today by Mr. Mukherjee, learned advocate appearing for the respondent authority.

5. According to the said report of the respondent dated 13.10.2026, the authority, during inspection has noted each separate specified portion of the building, in occupation of the occupiers respectively, the portion of the first floor being in occupation of the present petitioner. It is reported that the petitioner is in settled possession of the portion at the first floor of the building and her electricity connection has been severed due to internal dispute in the family. In such factual background, it is further reported that the petitioner may be granted with the separate domestic electricity connection at the portion of her settled possession in the concerned building, without any objection of the said respondent authority.

6. A settled occupier would be eligible under the law for grant of separate electricity connection. Section 43(1) of the Electricity Act, 2003 casts a statutory obligation upon the distribution licensee to supply electricity upon an application made by the owner or occupier of any premises, the expression 'occupier' not being restricted to a person having lawful title or ownership.

   A person in settled possession, irrespective of the legality of the initial entry or pendency of a dispute concerning title or possession, is therefore entitled to an independent electricity connection, subject to compliance with the prescribed formalities.

   The proposition stands affirmed by the Special Bench in ***Abhimanyu Mazumdar & Ors. versus Superintending Engineer & Ors., W.B.S.E.D.C.L.*** reported in ***(2011) 2 CHN 768***, and reiterated in ***Shanti Devi Agarwal v. W.B.S.E.D.C.L.*** reported in ***(2016) SCC OnLine Cal 5445*** and ***M/s. R.N. Roy & Bros. v. CESC Ltd.*** reported in ***(2023) SCC OnLine Cal 958***.

7. The report of the respondent/CESC as above being in due compliance with the said

statutory as well as settled law, the Court finds no reason to interfere with the same. Hence, taking into consideration the report of the respondent/CESC dated 13.10.2026 and the factual background of the present case, let the present writ petition be disposed of with a direction upon the respondent authority to proceed immediately pursuant to the application filed by the present petitioner for grant of new connection to the petitioner in her name, subject to her fulfillment of all legal and statutory formalities therefor.

8. The meter shall be installed at the existing meter board. To have access to the existing meter board, if necessary, the respondent authority may seek for police help to break open the padlock, if any, cost of which shall be borne by the petitioner herself.

9. Let respondent no. 3 be directed to assist the respondent authority in this regard, if assistance is sought for.

10. With the directions as above, the writ petition is disposed of.

(Rai Chattopadhyay, J.)