WPA 28551 of 2026
Sk. Rasid

-vs-

08.10.2026 The W.B.S.E.D.C.L.& Ors.
sl.no.15
ct.652

Mr. Tapan Kr. Dey
Ms. Shreya Chatterjee

….for the petitioner

Ms.Susmita Chatterjee
…for the WBSEDCL

1. Affidavit of service filed by the petitioner is taken on record.
2. The instant writ petition is directed against the alleged inaction of the respondent authority to provide electricity connection at the premises of the petitioner which is an undivided joint property, owned by the petitioner along with the private respondent.
3. It is further submitted that the civil suit is pending between the parties for partition of the suit property, before the competent civil court, which has passed an order in the civil suit dated 7.1.2022, directing the parties to maintain status quo in respect of the nature, character of the suit property as well as the possession being enjoyed by the respective parties.
4. Learned advocate for the petitioner has further submitted that in spite of compliance of all

formalities and the petitioner having been granted meter card by the responded authority, the meter has neither been installed yet, nor has the electricity connection been provided by the respondent authority, till date.

5. Ms. Chatterjee, learned advocate for the respondent/W.B.S.E.D.C.L has appeared. She has contended that though the petitioner has complied with all formalities for grant of new electricity connection, the private respondents, who are the co-sharers of the property, have put forth serious objections and resistance, when the respondent/licensee took step for installation of the meter at the premises.
6. For that the respondent authority has sought for way leave permission to be submitted before it by the writ petitioner, to take further steps in order to provide electricity connection and new meter to the petitioner.
7. None appears for the private respondent in spite of completed service.
8. At this stage, the Court is constrained to find that the petitioner who admittedly is in settled possession of premises-in-question cannot be deprived of being granted with an electricity

connection subject to his fulfillment of legal and statutory formalities.

9. It is noted that the civil court has directed the parties to maintain status quo as regards nature and character of the suit property i.e. concerned premises and possession thereof.

10. The installation of an electricity meter and the provision of an electricity connection to the premises, by themselves, cannot be construed as militating against or amounting to a violation of the status quo order passed by the competent civil court in respect of the nature, character and possession of the property. The grant of an electricity connection is essentially a measure intended to facilitate the supply of an essential public utility and does not, in the absence of any consequential alteration of the existing state of affairs, confer any right, title or interest in the property upon the applicant, nor does it determine the rival claims of the parties concerning ownership, possession or entitlement to enjoy the same. The material consideration is whether the act complained of has the effect of changing the nature or character of the property, disturbing the existing possession, or otherwise frustrating

the object and purpose of the subsisting injunction or status quo order. In the absence of any such demonstrated consequence, the mere installation of a meter or extension of an electricity connection cannot be regarded as an act in derogation of the civil court's order. Needless to observe, however, that such installation shall not be construed as recognition of the applicant's title or exclusive possessory rights, and the parties shall remain bound by the subsisting directions of the civil court, which shall continue to govern their respective rights and obligations in relation to the property. Therefore installation of the electricity connection never militates with the order of status quo passed by the civil Court.

11. Sofar as the respondent's claim for way leave permission is concerned, the Court is further constrained to hold that the same is not inconformity with the settled principles of law and way leave permission cannot be imposed as imperative condition for grant of new connection to a person who is in authorized and settled possession of the concerned premises. It is well settled that way leave permission is not an indispensable

precondition to the grant of a new electricity connection in every case, and the requirement thereof must be understood in the context of the necessity of utilizing the land or property of a third party for laying the service line or installing the requisite infrastructure. In **Deb Prasad Guchhait v. West Bengal State Electricity Distribution Company Limited, [W.P. 9738(W) of 2017 dated 17 January, 2018],** the Calcutta High Court held that, under Rule 3 of the Works of Licensees Rules, 2006, the obligation to obtain the requisite permission for carrying out works in the event of objection rests upon the distribution licensee, and not upon the prospective consumer, and that the regulatory provisions cannot supplant the statutory rules. The same principle finds support in **Laxmi Pat Surana v. Chairman, West Bengal State Electricity Distribution Company Limited, {W.P. No. 22923(W) of 2012** dated 2 July, 2018], wherein the Court explained that the requirement of way-leave permission under the applicable regulatory framework arises where the service line is required to pass over, along, across or under the land of another person.

Accordingly, where the proposed electricity connection can be provided without encroaching upon or utilizing third-party property, insistence upon way-leave permission would be unwarranted; even where such property is required and the owner or occupier objects, the distribution licensee must resort to the procedure prescribed under Rule 3 of the Works of Licensees Rules, 2006, rather than deny the connection merely because the applicant has been unable to procure such permission, subject always to compliance with the other applicable statutory requirements.

12. For the reasons as above, this Court finds it proper to dispose of the instant writ petition by directing the respondent/WBSEDCL to immediately take steps for installation of electricity connection and new meter as per the meter card already issued to the petitioner, positively within a period of two weeks from the date of communication of this order.

13. If necessary the respondent shall ask for police help for installation meter in the concerned premises, cost for which shall borne by the petitioner himself.

14. The respondent no. 4 is directed to extend help to the respondent authority in this regard if sought for.

15. With the direction as above, the instant writ petition is disposed of.

(Rai Chattopadhyay, J.)