

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/353/2026

M/s. Rupa Decorators Light and Sound

Vs

The Superintending Engineer and Others

Ms. Anjili Nag, Sr. Adv.

Mr. Deb Kumar Bawali ... for the petitioner

Mr. S. C. Mishra ... for the respondent nos.1-3

Mr. Tapan Kumar Das ... for the respondent no. 4

July 10, 2026
[AKB]
Item No.11

The writ petitioner is aggrieved by the rejection of the petitioner's application for grant of electricity supply at the premises whereat the petitioner is running a business on the ground that the petitioner has not been able to furnish "*No Objection Certificate from the Land Owner*".

Ms. Nag, learned Senior Advocate appearing for the petitioner invites the attention of this Court to an order dated March 19, 2026 passed by the learned Civil Judge (Senior Division), Port Blair in Other Suit No. 27 of 2026 that has been instituted by the petitioner seeking declaration of tenancy right and protection against illegal eviction and submits that the learned Trial Court has, on being satisfied about the *prima facie* made out by the petitioner, passed an order of injunction restraining the defendant in the suit i.e. the respondent no. 4 herein, from evicting the petitioner from the suit premises without due process of law.

It is submitted by Ms. Nag that the interim order of injunction that was initially granted on March 19, 2026 has been extended and is still subsisting.

Mr. Mishra, learned Advocate appearing for the respondent electricity authorities submits that the petitioner's application has been rightly rejected inasmuch as the petitioner has not been able to demonstrate that the petitioner is in lawful occupation of the property-in-question, since no objection certificate from the landlord could not be produced by the petitioner.

Mr. Tapan Kumar Das, learned Advocate appearing for the respondent no. 4 submits that the petitioner is a defaulter and that rents for as many as fourteen months are due and owing from the petitioner.

Heard learned Advocates appearing for the respective parties and considered the material on record.

Section 43 of the Electricity Act, 2003 provides for grant of electricity supply to either the owner or the occupier of the premises. Determination of legality of the occupation or question of title and ownership would not fall within the jurisdiction of the electricity authorities. It is well settled that if a person is in settled possession/occupation of a premises, electricity supply at such premises would have to be given in terms of the mandate of Section 43 of the 2003 Act.

In the case at hand, the order dated March 19, 2026 whereby the petitioner's possession at the suit premises has been protected by way of an interim order of injunction evinces

that the petitioner is in possession of the suit premises. If the premise where the petitioner seeks electricity connection is the same as that of the suit premises then in that case, request of the petitioner for grant of electricity supply at such premises could not have been rejected by the respondent electricity authorities on the ground of non-furnishing of no objection certificate from the landlord/landowner.

The Electricity Authorities are directed to revisit their decision and to ascertain as to whether the premise in respect whereof electricity connection is being sought by the petitioner is the same as that of the suit premises. If it is found to be the same, electricity connection would be granted to the petitioner subject to the petitioner complying with all requisite formalities and payment of requisite charges therefor within a period of four weeks from date.

It is further clarified that this order of grant of electricity connection is solely for the purpose of ensuring that electricity is supplied to the petitioner keeping in view that it is an essential amenity for wholesome life falling within the broad sweep of Article 21 of the Constitution of India.

The petitioner shall not be entitled to claim any equity on the basis of this order. This order shall also not create any better or further right in favour of the petitioner in relation to the premises which is in occupation of the petitioner than that which the petitioner has nor will the same create any right in the petitioner's favour to the detriment of the original owner of the premises if the petitioner does not have any.

WPA/353/2026 stands disposed of. There shall be no order as to costs.

(Om Narayan Rai, J.)