

S/L 12
19.10.2020
Ct. No. 19
GB

CAN 1 of 2020
In
W.P.A. 592 of 2020

Arun Samanta & Anr.
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.
(Through Video Conference)

Mr. Dilip Kumar Sinha.

...for the Petitioner.

Mr. Kanak Kiran Bandyapadhyay.

...for W.B.S.E.D.C.L.

Affidavit-of-service is taken on record.

This is an application filed by an occupant of a flower shop in front of Kali Mandir, which was licensed to the father of the petitioner by the Mandir committee, namely, Bargabhima Kali Mata Mandir committee.

It is submitted by the petitioner that the petitioner is continuing to run the shop after expiry of his father as the licensee. It is further submitted that electric connection existing in the shop room was disconnected at the instance of the respondent no.6. It is further submitted that the petitioner used to pay the rent to respondent no.6 but thereafter respondent no.6 stopped accepting rent and subsequently when the rent was refused, the same was tendered by money order and thereafter the electric connection was disconnected at the instance of the Mandir committee.

The learned advocate for the respondent no.6 submits that the Mandir committee is an unregistered society and as such all the members of the committee should be added to this proceeding. It is further submitted that the petitioner's father was a licensee but the petitioner is not recognized as a licensee after the death of his father and that is why the licence was revoked.

Mr. Bandhyapadhyay, learned advocate for the W.B.S.E.D.C.L submits that the application form of the petitioner was incomplete and was not filled up in the proper way. Intimation was sent by the authority to the petitioner on November 26, 2019, requiring him to fill in the form correctly with all particulars in terms of Procedure-A with necessary documents and relevant way leave permission.

Under such circumstances if the application of the petitioner is incomplete, the question of granting new connection to the petitioner does not arise. The learned advocate for the W.B.S.E.D.C.L also submits that the respondents shall intimate the petitioner within November 5, 2020 what are the relevant documents required for granting new connection. Upon receipt of the same the petitioner will supply all the documents in the prescribed Procedure-A booklet or as per the requirement of the electricity authority. However, if the petitioner submits all documents as per the procedure, then new connection should be granted to the petitioner within two weeks from submission of all documents. It is also made clear that such

order will be executed by the authority only if the petitioner continues to be in continued possession of the shop room and runs the shop room from the said premises. However, if it is found that the petitioner is not in possession of the shop room then question of grant of electricity does not arise.

The contention of the respondent No.6 cannot be accepted that only a lawful owner can be given connection. Such term “lawful” has been consciously omitted from the definition of consumer under the 2013 Act. The Mandir committee as lessor or licensor has the right to proceed under the law for eviction of a trespasser. However, electricity is an essential service, which cannot be denied to any person, in occupation of any premises unless they are unable to fulfil the criteria prescribed by the West Bengal State Electricity Distribution Company Limited.

Accordingly, WPA 592 of 2020 along with CAN 1 of 2020 are disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)