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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1243 of 2020
(Through Video Conference)

Hemanta Rui Das
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Sk. Abu Abbas Uddin,
Mr. Nahid Rahman
... For the petitioner.

Ms. Puspita Pramanik
For WBSEDCL

Mr. Rajarshi Basu,
Mr. Amajit De
... For the private respondent.

Affidavit of service filed in Court today is
taken on record.

The petitioner has applied for a new
electricity connection and has paid a sum of
Rs.3578/- in aggregate, as per the quotation raised
by West Bengal State Electricity Distribution
Company Limited (in short, WBSEDCL), on 24th
June, 2019.

The petitioner says that despite payment
being made on 25th June, 2019, no connection has
been given to the petitioner as yet. The petitioner,
therefor, has approached this Court for a new
electricity connection.

On behalf of WBSEDCL, it is submitted

that there is no meter room or any suitable construction at the premises where the petitioner seeks new electricity connection for the purpose of installing the meter and giving connection.

By referring Annexure P-3 to the writ petition, it is submitted on behalf of the private respondent that there is a pending civil suit involving the land wherein the petitioner seeks the new connection. By an order dated 13th September, 2017, the petitioner was restrained from changing the nature and character of “Ka-3” Schedule property in the said suit. According to the private respondent “Ka-3” Schedule property is the same property described in paragraph 2 of the writ petition, the petitioner should not, therefore, be allowed electricity as that would amount to infringing the order dated 13th September, 2017 passed by the civil Court.

After hearing the parties and considering the materials on record, it is very difficult to accept the submission made on behalf of WBSEDCL. WBSEDCL, ought to have inspected the property in question before raising the quotation. On such inspection WBSEDCL should have come to know that there is no meter room or suitable place for installing the meter and there would not have been an occasion for raising quotation and receiving payment from the petitioner. WBSEDCL has raised a quotation and

collected money from the petitioner and now says that there is no meter room or suitable place to instal a meter. This gives an impression that WBSEDCL either did not inspect before sending the quotation or their submission as to no meter room and no suitable place to give connection is factually incorrect. This presupposes that the same has been done after inspection.

On behalf of WBSEDCL, an order of West Bengal Electricity Regulatory Commission dated 13th November, 2013 is shown to demonstrate that even without inspection, WBSEDCL, can raise quotation. From paragraph 2(i) of the said order dated 13th November, 2013 it appears that instead of taking earnest money from the applicant desirous in getting electricity, WBSEDCL can issue a provisional quotation. The quotation issued by WBSEDCL on 24th June, 2019 does not mention that the same is a provisional quotation. In any event, even to raise a provisional quotation, the official of WBSEDCL has to form an opinion as to the tentative cost that may be required to be deposited by the applicant for the new connection. The tentative cost has to be also on the basis of some prima facie fact finding which cannot happen without there being an inspection.

So far as the contention of the private respondent is concerned, the interim order passed by

the civil Court in the suit restraining the petitioner from changing nature and character of a particular property cannot restrain the petitioner from enjoying electricity. The installation of an electric meter at a dedicated place and the addition/alteration required to be made for such purpose and for the purpose of getting the main supply at a dedicated place cannot also be said to be of such nature which will amount to change of nature and character of the property involved in the suit between the petitioner and the private respondent.

The petitioner is, therefore, entitled to a new electric connection. For the purpose of getting electricity the petitioner is permitted to do the minimum construction or addition alteration as may be advised by WBSEDCL, the licensee. The licensee shall inspect the petitioner's premises on 24th December, 2020 at 11.30 a.m. and inform the petitioner, in writing, what arrangement has to be made by the petitioner for the installation of the meter and getting supply. Within 48 hours from the petitioner's informing WBSEDCL that the necessary steps for affixing the meter and effect electric connection at the petitioner's premises, as advised by WBSEDCL has been done, WBSEDCL should give the petitioner a new connection.

It is expected that the private respondent

shall not obstruct the officials of WBSEDCL while installing the meter or giving new connection to the petitioner. The respondent no.3, the Officer-in-Charge, Chanditala Police Station, Chanditala, Hooghly, shall ensure that there is no breach of peace at the time of installation of the meter and effecting new connection to the petitioner.

The granting of new electricity connection or installation of meter at a suitable position at the premises in question shall not amount to change the nature and character as mentioned in the order dated 13th September, 2017, passed by the learned Civil Judge, (Junior Division), 3rd Court, Serampore, Hooghly.

It is, however, made clear that I have not gone into the civil dispute *inter se* between the petitioner and the private respondent. The installation of the new meter or granting new connection to the petitioner shall neither create nor abridge or extinguish any right in respect of “Ka-3” Schedule property apart from those already in existence in favour of the petitioner as mentioned in the title suit, being no. P.M.C.-23/2017, now pending before the learned Civil Judge, (Junior Division), 3rd Court, Serampore, Hooghly.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly

disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondent

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon usual undertakings.

(Arindam Mukherjee, J.)