

Ct. 23
Item No.17
15.12.2020
(suvendu)

WPA 8621 OF 2020

**Abdul Kader
Vs.
WBSEDCL & Ors.**

(Via Video Conference)

Mr. Arindam Chattopadhyay for the petitioner

Ms. Suvasree Ghosefor the WBSEDCL

The petitioner's father was a consumer under West Bengal State Electricity Distribution Company Limited (in short, "WBSEDCL") for the purpose of operating a submersible pump. The petitioner's father died on 31st March, 2010 leaving behind an outstanding electricity bill of Rs. 27,320/-. The petitioner says that WBSEDCL has not restored the connection despite receiving the entire amount from the petitioner and recording the name of the petitioner as a consumer in the place and state of his deceased father.

On behalf of WBSEDCL it is submitted that after receiving the entire payment, the petitioner's name was recorded as a consumer in the place and stead of his deceased father. However, the brothers of the petitioner have objected to the petitioner's name being recorded as

the consumer in the place and stead of the petitioner's deceased father. In such circumstances, the petitioner's name was deleted as a consumer and in the name of the petitioner's deceased father has again been recorded as consumer. As connection cannot operate in the name of a deceased person the supply has not been restored.

After hearing the parties and considering the materials on record including the documents placed before the Court on behalf of WBSEDCL, I find that there are two separate sets of disputes. One of such dispute is between the petitioner and the petitioner's brothers in respect of the connection which stands in the name of the petitioner's deceased father. The petitioner claims to have paid a sum of Rs. 27,830/- on account of the unpaid dues of the petitioner's father. So far as the said payment is concerned, the petitioner has to approach the appropriate Civil Court for adjudication of the amount which the petitioner has to pay as his share in respect of the unpaid dues of the petitioner's father. On due adjudication the petitioner may be entitled to claim refund of the amount already paid by him in excess of his share from his brothers. The other dispute is regarding connection being given to the petitioner. The petitioner can always apply for a new connection and WBSEDCL as a licensee is liable to give connection in view of the provisions of the Section 43 of the Electricity Act, 2003 provided the petitioner pays all charges and complies with the necessary statutory formalities.

Considering the facts and circumstances of the instant case, I think justice will be subserved if the respondent no.3 within a month from date decides the issue as to whether the petitioner is entitled to a new connection upon fulfillment of the statutory requirement and payment of necessary charges for the said new connection. The respondent no.3 will only consider the technical feasibility and other requirements to be complied with by the petitioner. The respondent no.3, in the event finds that the petitioner is not entitled to a new connection, shall give adequate reasons to support his findings. The respondent no.3 may call the petitioner and the private respondent for a hearing if so necessary to decide as to the entitlement of the petitioner to a new connection but shall keep in mind that the *inter se* disputes between the petitioner and the petitioner's brothers cannot stand in the way in the petitioner receiving a new electricity connection. The respondent no.3 shall within seven days from arriving at a decision shall communicate the same to the petitioner and shall give the new connection within a month from the date of the decision if the decision is in the petitioner's favour subject to payment and statutory compliance by the petitioner.

The writ petition is disposed of without any order as to costs.

Since no affidavit-in-opposition is called for, allegations contained in the writ petition are deemed to be denied.

Urgent xerox certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)