

Ct. 23
Item No.18
15.12.2020
(suvendu)

WPA 8624 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 during his lifetime 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. The petitioner has been operating the submersible pump and regularly paying the electricity bills raised by WBSEDCL for the said connection. The petitioner says that on being advised that the consumer ID under the relevant provisions of laws should not remain in the name of a dead person, the petitioner had applied for and got the same changed in his name. Subsequently, on the objections raised by some of his brothers WBSEDCL has deleted the petitioner's name and has again recorded the name of the petitioner's father being a dead person as a

consumer. This change was effected, according to the petitioner, without any notice to the petitioner.

On behalf of WBSEDCL it is submitted that after considering the objections raised by some of the petitioner's brothers as to the recording of the name of the petitioner as a consumer in the place and stead of his deceased father the change was effected. It is submitted that WBSEDCL cannot be made to suffer for the inter se dispute between the petitioner and the petitioner's brothers. After coming to know that the petitioner's father is dead and there is a dispute between the petitioner and his brothers, WBSEDCL has stopped accepting the bill to avoid further complications in the matter.

After hearing the parties and considering the materials on record, I find that there is inter se dispute between petitioner and the petitioner's brothers in respect of changing the name of the consumer in the records of WBSEDCL after the death of petitioner's father. Writ Court cannot go into such dispute.

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 can be given a new connection in his name upon fulfillment of the statutory requirement and payment of necessary charges. WBSEDCL shall also consider the issue as to whether the petitioner can enjoy two electricity connections for agricultural purpose at a time. The respondent no.3 may

call the petitioner and the private respondent for a hearing, if so necessary but its official should keep in mind that *inter se* disputes between the petitioner and the petitioner's brothers cannot stand in the way in the petitioner getting a new connection. The respondent no.3 shall within seven days from arriving at a decision shall communicate the same to the petitioner.

The writ petition is disposed of accordingly 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.)