

AD. 46.
December 10, 2021.
MNS.

(Through Video Conference)

WPA No. 435 of 2020
With
CAN 1 of 2020 (Old CAN 1685 of 2020)
and
CAN 2 of 2020

Rahamatulla Chowdhury
Vs.
The West Bengal State
Electricity Distribution Company
Limited and others

Mr. Haradhan Mondal

... for the petitioner.

Ms. Bandana Basu

...for the WBSEDCL.

Affidavit-of-service filed in Court today be kept on
record.

Learned counsel for the petitioner argues that the petitioner purchased the disputed property from the private respondent nos. 4 and 5. However, the existing electric connection at the said premises still stands in the name of the private respondents, although they are no longer residing at the same premises. The petitioner is suffering the peculiar predicament that the electric supply to the premises has been disconnected on the one hand and, on the other, the private respondents are refusing to pay up the provisional assessment bill raised

by the WBSEDCL, due to which the petitioner cannot even apply for a new connection without incurring the arrear charges for usage during a period when the petitioner did not even enjoy such electric supply.

Learned counsel appearing for the WBSEDCL submits that, pursuant to the request of the petitioner, the assessed amount was also reduced to enable the petitioner to put in the arrear dues and get the connection restored. It is further contended that the petitioner, despite having admitted the arrears, has not made any effort to clear off the amount.

The situation in the present case is indeed peculiar. At the present juncture, as the matter stands, the WBSEDCL cannot give a new connection to the premises as per the law without the previous dues being cleared. On the other hand, the electric supply to the premises cannot be restored except at the behest of the existing consumers, that is, the private respondents.

In such view of the matter, there is no remedy that the writ court can give the petitioner, since the remedy of the petitioner lies entirely against the private respondent nos. 4 and 5, due to whose alleged inaction the petitioner is suffering.

In such view of the matter, there is no scope of giving any relief within the ambit of the present writ petition. However, it will be open to the petitioner to

approach the competent civil court and/or any other authority under law for the purpose of getting a direction upon the private respondents to clear off the dues and to seek disconnection of the premises upon ensuring that the name in the electric connection is transferred in the name of the present petitioner. If such an approach for transfer is made, the WBSEDCL shall decide the same in accordance with law, upon compliance of all formalities and payment of dues, at the earliest without being influenced in any manner by any of the observations made herein.

In the light of the aforesaid observations, WPA 435 of 2020 along with CAN 1 of 2020 (Old CAN 1685 of 2020) and CAN 2 of 2020 are disposed of.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)