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25.11.2021
TN

WPA No.13374 of 2021

Shyamali Nayek and another
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Timir Baran Saha
.... for the petitioners

Ms. Mitali Bhattacharya
....for the WBSEDCL

Mr. Himadri Sikhar Chakraborty,
Mr. Tapan Kumar Roy
....for the State

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

Despite service having been effected on one of
the private respondents, but not on the other, in view
of the mother-son relationship between the private
respondents, it is deemed that the interests of both
the private respondents are sufficiently represented.
Since the private respondents choose to remain
unrepresented, although the petitioners and the
Distribution Company are represented through

counsel, the matter is taken up in the absence of the private respondents.

The grievance of the petitioners is that, despite having specifically applied for temporary disconnection of the electric connection to a rice mill, the bills regarding which were sent in the name of the rice mill as well as the deceased father of the petitioner, the Distribution Company is not taking any steps with regard to such application.

Learned counsel for the Distribution Company submits that it is factually incorrect that the Distribution Company is not taking any steps. Rather, the stand of the Distribution Company is that they had visited the site twice but there was strong objection on behalf of the private respondents, who dispute the fact of dissolution of the partnership, which is comprised of the rice mill, and also indicated that they are using such connection for domestic purpose as well.

In such circumstances, the Distribution Company could not disconnect the meter at those junctures.

Upon hearing learned counsel appearing for the parties, it is evident that there is a dispute between the private respondents and the petitioners as regards the dissolution of the partnership standing in the

name of M/s Jagannath Rice Mill, on the demise of the father of the petitioner no.2, that is, late Guruprasad Nayek.

As such, the writ court cannot go into the merits of such rival contentions of the private parties as far as the dissolution of the partnership is concerned. However, since the petitioners have already disowned having any connection with the electric meter, as their predecessor-in-interest, in whose name the meter was standing, has expired in the meantime, no further liability can be cast on the petitioners for payment of the electric bills in connection with such meter.

However, since the private respondents stake a claim to the electric connection and dispute the dissolution of the partnership-in-question, it will be open to the private respondents to clear the bills in respect of M/s Jagannath Rice Mill, subject to satisfaction of the Distribution Company as regards their entitlement to so pay.

It is further made clear that the West Bengal State Electricity Distribution Company Limited (WBSEDCL) shall be at liberty to proceed in accordance with law and take penal measures in the event of default in further payment of electric bills, subsequent to the issuance of the application for temporary disconnection by the petitioners and to take

legal measures to recover the dues from the private respondents, in the event the private respondents are agreeable to carry on with the same electric meter or in the event the private respondents prayed for new connection, upon disconnection of the existing meter. In the latter event, the WBSEDCL will be at liberty to claim due arrears from the new applicants for electric connection, whoever such applicants may be, in accordance with law.

The petitioners shall serve a server copy of this order on the private respondents at the earliest.

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.)