

18
20.12.2021.
mb

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 20285 of 2021

Babar Ali

-vs.-

The State of West Bengal & Ors.

Mr. Tarapada Halder,
Mr. Kamal Kanta Kar,
Mr. Rameswar Sinha
...for the petitioner

Mr. Mansoor Alam
...for the State

Ms. Sima Sengupta
...for the WBSEDCL

Learned counsel for the petitioner argues that, despite the petitioner having given a representation to the Distribution Company, the latter has not taken any step on the petitioner's representation to give reconnection at the site where the submersible pump of the petitioner is located.

Learned counsel appearing for the Distribution Company submits that the petitioner has not made any formal application for reconnection till date. It is further submitted on behalf of the Distribution Company that a huge amount of arrears, since the year 2018, is due in respect of the existing meter in respect of which restoration of supply is sought. It is contended that

unless such dues are cleared, reconnection cannot be given as per law.

The petitioner contends that the petitioner is a cultivator of meagre financial means.

However, although the petitioner is very well within the petitioner's rights to ask for an electric connection; yet, such fundamental right of the petitioner is circumscribed by the law and extant regulations. As such, the Distribution Company cannot be directed to give reconnection of such supply to the electric meter-in-question without the petitioner complying with necessary formalities therefor.

Hence, W.P.A. No. 20285 of 2021 is disposed of with liberty to the petitioner to apply for restoration of electric supply to the Distribution Company in accordance with law.

If such an application is made, the Distribution Company shall give such reconnection, subject to compliance of all legal formalities, without being prejudiced by any of the observations made herein.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)