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

W.P.A. No. 20618 of 2021

Ashit Kumar Bose

-vs.-

**The West Bengal State Electricity
Distribution Company Limited & Anr.**

Ms. Juin Datta Chakraborty,
Mr. Debasish Kundu
...for the petitioner

Ms. Mitali Bhattacharya
...for the WBSEDCL

It is submitted by learned counsel for the petitioner that initially the Distribution Company supplied a commercial connection to the petitioner's premises on the application of the petitioner and upon compliance of all due formalities. However, subsequently, the supply was disconnected behind the back of the petitioner without any rhyme or reason. It is contended that when the petitioner wrote to the Distribution Company in that regard, a reply was given on December 13, 2021 (annexed at page 23 of the writ petition), which discloses merely: "Court case and legal obligation lying over the premises vide case no-07 of 2020 in the court of LD. District Judge, Barasat".

Upon the query of Court, learned counsel for the respondents, on instruction, submits that

apparently a suit was filed by a third person to the present litigation, with whom the Distribution Company had an arrangement for receiving the payment on behalf of the company, *inter alia* against the Distribution Company.

Subsequent to the payment being made to the Distribution Company, the said person has initiated a legal proceeding before a civil court. In view of the pendency of such litigation, the disconnection was effected.

However, a disconnection behind the back of the consumer and without any notice to the latter cannot be supported under any guise. In the present case, the Distribution Company had no authority to effect such disconnection without any notice to the consumer and without there being any fault on the part of the petitioner. Such kind of knee-jerk reaction is not expected from a Distribution Company, which has virtual monopoly over several areas as regards supply of electricity and ought to be more cautious in conducting its affairs.

Be that as it may, the overreaction on the part of the Distribution Company and its officials cannot be sufficient justification for the disconnection. Moreover, on the ground of mere pendency of a suit, without disclosing any subsisting order of injunction and/or specific direction on the Distribution Company to

disconnect the supply, the Distribution Company acted entirely *de hors* its authority in effecting the disconnection-in-question.

Accordingly, W.P.A. No. 20618 of 2021 is allowed by directing the respondents to restore electric supply at the commercial meter of the petitioner, upon reinstalling a new electric meter, if necessary, as early as possible, positively within December 25, 2021.

It is made clear that in the event any costs are to be borne or charges are required in law to be paid by the petitioner with regard to such reconnection, the same will be paid by the Station Manager, the respondent no. 2 in the writ petition, as costs for the utterly irresponsible conduct of the Distribution Company.

All parties shall act on the server copy of this order, without insisting upon prior production of a certified copy thereof.

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.)