

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 7473 of 2020

Romakjayanta Infocom Private Limited
Vs.
The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Sourov Sen
Ms. Debalina Roy Chowdhury
... For the petitioner

Mr. Sumit Ray
... For WBSEDCL

Mr. Arik Banerjee
Mr. Shaunak Ghosh
Ms. Saheli Sen
Mr. Rajib Mullick
Ms. Shreyashi Maity
... For the respondents no.7 to 9

Mr. Saptarshi Datta
... For the respondent no.10

The petitioner is a tenant in respect of a Suit No.704, 7th Floor, Merlin Matrix, DN-10, Sector-V, Salt Lake City, Kolkata – 700091 (hereinafter referred to as the “said premises”) under the respondents no.7, 8 and 9. The electricity supply at the said premises is a high voltage electric connection provided by West Bengal State Electricity Distribution Company Limited (hereinafter referred to as “WBSEDCL”). The electric connection from the main meter attached to the service main to various units including that occupied by the petitioner is managed by respondent no.10. The respondent no.10 raises bills to

each unit-holder in terms of the recording done in the sub-meter allotted for each of such units and collects the money from the unit-holders/occupiers and pay the bill raised by WBSEDCL for the consumption recorded in the main meter. Upon payment of such charges, the electric supply is continued internally from the main meter through the sub-meters to the various unit-holders by respondent no.10. The petitioner's electricity being disconnected has approached WBSEDCL for a new connection and in view of inaction on the part of WBSEDCL in giving such new connection, the petitioner has filed the instant writ petition.

According to WBSEDCL, the main supply to the premises is operational. The disconnection is at the portion managed by the respondent no.10. It is also submitted that the said premises being supplied with a high voltage electric connection, it is neither technically nor statutorily possible for WBSEDCL, the licensee, to grant a separate connection bypassing the main high voltage service connection to the petitioner. In such circumstances, the petitioner has to get the connection internally reinstated at the portion presently maintained by respondent no.10.

On behalf of respondent no.10, it is submitted that the bills on having remained unpaid from the end of the petitioner, the respondent no.10 at the request of the respondents no.7, 8 and 9, being the owners of the said unit now under occupation of the petitioner, has discontinued the electricity supply to the petitioner.

On behalf of respondents no.7, 8 and 9, it is submitted that the petitioner was directly paying the electricity bills to the respondent no.10 and the said respondents no.7, 8 and 9 had no role to play in the same. Inasmuch as, there was a default, the respondents no.7, 8 and 9 not being obliged to pay the electricity bills for the consumption made by the petitioner had requested the respondent no.10 to discontinue the electricity as the said respondent no.10 was asking for the unpaid dues from the said respondents no.7 to 9.

The petitioner, however, denies to have defaulted in paying electricity bill to respondent no.10 for the consumption made by it.

The fact remains that the petitioner is still in occupation of the unit in question wherein the petitioner is seeking a new connection. Even if there are any dispute *inter se* between the petitioner and the respondents no.7, 8 and 9 vis-à-vis the tenancy, the petitioner cannot be prevented from enjoying electricity subject to the petitioner paying the cost and necessary charges for the consumption made by the petitioner at the unit in question. If new connection cannot be given to the petitioner, the existing disconnected supply has to be reinstated.

The respondent no.10 shall, within 27th February, 2021, inform the petitioner about the dues, if any, in respect of the consumption made by the petitioner from the time the petitioner was induced as a tenant in the unit in

question. The respondent no.10 in such document will give the details of the consumption made by the petitioner and the dues, if any, after adjusting the payments that have been received by the respondent no.10 during the tenure of the petitioner's occupation of the said unit against the consumption so made.

Subject to the petitioner paying such sum which has remained unpaid against the electricity consumption for the unit during the tenure of the petitioner's occupation, the respondent no.10 shall, within three working days, reinstate the supply of electricity from the main supply at the building to the sub-meter dedicated for the unit now in occupation of the petitioner so that the petitioner can use and enjoy electricity at the unit in question now under occupation of the petitioner. In the event there is no dues, the respondent no.10 shall within 27th March, 2021 issue a "no dues" certificate to the petitioner and reinstate petitioner's supply within three working days therefrom.

The respondents no.7, 8 and 9 as the landlord shall not do or encourage any act leading to the further disconnection of electric supply to the petitioner at the said unit till such time the petitioner is not removed therefrom by due process of law or the petitioner voluntarily vacate the unit in question, subject to petitioner continuing to pay electricity charges to the respondent no.10 or any other entity that may be managing the internal distribution of electricity in the place and stead of the respondent no.10.

The restoration of electric supply to the petitioner will neither create any new right nor abridge or extinguish any existing right of the petitioner vis-à-vis the respondents no.7, 8 and 9 with regard to the tenancy of the unit in question.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)