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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 9329 of 2020

Future Retail Limited & Anr.
Vs.
The West Bengal State Electricity Distribution Company Limited & Ors.

Mr. A. Guha,
Mr. S. Sengupta
... for the petitioners

Mr. Srijan Kumar Nayak,
Mr. Sumit Ray
...for the respondent-authorities

Mr. Pranit Bag,
Mr. Manish Shukla,
Ms. Debarati Das
...for the private respondent

At the outset, learned counsel for the Distribution Company takes an objection as to the *locus standi* of the petitioners to file the instant writ petition, since the petitioners are not consumers in respect of the property, in respect of which electricity was disconnected.

However, learned counsel the petitioners contends that the petitioners are tenants in respect of the premises under the private respondent. In the interregnum, a settlement has been reached between the private respondent and the petitioners with regard to payment of all dues of electricity.

Learned counsel appearing for the private respondent supports such contentions and agrees to a settlement having been reached between the private respondent/landlady and the tenants regarding payment for reconnection of electricity.

Be that as it may, although the petitioners do not have *locus standi* to file the instant application under Article 226 of the Constitution of India in its strictest sense, since the Writ Court is a court of equity and in view of the Distribution Company having no objection on principle to give new connection, in the event the consumer, that is, the landlady applies for new connection in respect of the property, W.P.A. 9329 of 2020 is disposed of by directing the WBSEDCL to give a new electric connection at the property-in-question upon due formalities being complied with by the private consumer, that is, the respondent/landlady.

Despite taking note of the settlement arrived at between the landlady and the tenants, this Court cannot put a seal of legality to such settlement, since it is beyond the scope of the Distribution Company to look into such settlement. However, in the event of compliance of all formalities by the consumer, that is, the private respondent, the Distribution Company shall give new connection at the earliest upon holding an inspection, preferably within a fortnight from the date of compliance of formalities.

Since no affidavit was been invited from either of the parties, it is deemed that the contentions raised in the writ petition are not admitted by the respondents.

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.)