

Court No. 2

01.10.2021

(Sl. 27)

(S. Banerjee/BP)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA 1408 of 2021

Nisha Tamang
Vs.
The State of West Bengal & Ors.

(Via Video Conference)

Mr. Kumar Shantnu
... for the petitioner

Mr. Hirak Barman
Mr. Pretom Das
... for the State

Mr. Sudipta Kanta Bhowmik
... for the respondent nos. 3 and 4

Mr. Debajit Kundu
... for the respondent no. 6

The petitioner claims to be a tenant under the private respondent no. 6. There are civil proceedings for eviction of the petitioner filed by the respondent no. 6.

The petitioner is enjoying electricity through a sub-meter from the main meter standing in the name of respondent no. 5.

There are outstanding dues on account of the main and sub-meter to the extent of Rs. 33,000/- approximately.

The writ petitioner submits that she is not liable for the entire dues, while the landlord vehemently denies the same.

This court is, therefore, of the view that the writ petitioner may be afforded an independent

electric connection by the West Bengal State Electricity Distribution Company Limited ('WBSEDCL', for short), being the respondent nos. 3 and 4 herein upon payment of the entire sum of Rs. 33,000/- and odd by the writ petitioner.

The independent fresh connection as above shall be granted after a formal application and compliance of all formalities and making any pre deposit and any other sums in accordance with the relevant rules. No other document, as required by the WBSEDCL, need be furnished by the petitioner.

It is expected that the aforesaid connection shall be granted to the petitioner within 7 days of compliance of all formalities and making payment as indicated hereinabove.

Since the petitioner submits that she is not liable for the entire sum of Rs. 33,000/- and odd, any claim against the landlord by the petitioner for repayment of the landlord's share of the aforesaid sum may be raised by the petitioner in the pending civil proceeding in the form of a counter-claim.

It is made clear that grant of electricity connection to the writ petitioner shall not create any special equity or right in favour of the petitioner in the pending Civil Suit.

With the aforesaid directions, the writ application stands disposed of.

(Rajasekhar Mantha, J.)