

28th January,
2022
(AK)
06

W.P.A 668 of 2022

Subrata Koley
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

(Via Video Conference)

Mr. Tanmoy Khan
...for the petitioner.

Ms. Joyita Ray
...for the respondent nos.5 & 6.

Mr. Soumyajit Chakraborty
...for WBSEDCL.

Affidavit-of-service filed in court today be kept on
record.

The grievance of the petitioner is that due to the
private respondent nos.4 to 6 refusing to give a '*No
Objection*', the Distribution Company has been unable to
effect a transfer of name regarding the existing electric
meter at the petitioner's premises, which still stands in
the name of the deceased mother of the petitioner.

Learned counsel appearing for the petitioner further
submits that there is a student in the family of the
petitioner who is about to take her examinations, as well
as a pregnant lady. The petitioner is, thus, suffering
immeasurably due to the dearth of electricity at the
premises.

Learned counsel for the Distribution Company submits that the petitioner can either have the existing meter transferred to his name, upon obtaining a '*No Objection*' from the other heirs of the deceased mother, or can take a new electric connection in his own name, subject to '*way leave*' permission being given by the other co-owners.

In the event the petitioner so applies in the prescribed form, there is no objection on the part of the Distribution Company to give such connection.

It appears from the records and the submissions of counsel that the private respondents' primary objection is that they are also heirs of the deceased original consumer and, as such, the petitioner has no exclusive right to have the electric meter transferred in the latter's name.

Although such objection is justified, in view of the specific right conferred by Section 43 of the Electricity Act, 2003, the petitioner cannot be debarred, in that event, from taking a new electric connection in his own name at the premises, particularly keeping in view the hardship being suffered by the petitioner due to lack of electricity, as indicated above. Needless to say, the private respondents cannot stand in the way of such connection being given to the petitioner.

In such view of the matter, in the peculiar circumstances of the case, WPA 668 of 2022 is disposed of by directing the petitioner to file an application for

getting a new connection before the WBSEDCL, without the '*way leave*' certificate otherwise required in law, in the event of refusal by the private respondents to give such certificate.

If such application is made by the petitioner and the requisite formalities are complied with, the WBSEDCL shall give such connection as expeditiously thereafter as possible, preferably within a week after the compliance of all formalities by the petitioner, irrespective of the absence of any '*way leave*' permission.

In the event the Distribution Company personnel face any resistance from the private respondents and/or their men and agents while giving such connection and/or taking inspection for such purpose, it will be open to the Distribution Company personnel to approach the nearest police station for adequate police help in such regard.

If such an approach is made, the Officer-in-Charge of the local police station shall immediately provide such assistance to the Distribution Company personnel for the limited purpose of giving such connection and for holding necessary inspection, if any, at the cost of the petitioner.

The Officer-in-Charge shall act on the written communication of the learned Advocates for the parties, coupled with server copy of this order, without insisting upon prior production of a certified copy of the same, for the purpose of compliance of this order.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)