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23.02.2022
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WPA No.871 of 2022

Kausik Das and another
Vs.
West Bengal State Electricity Distribution
Company Limited and others

(Via Video Conference)

Mr. Biswaroop Bhattacharya,
Mr. Jayanta Sengupta,
Mr. Debabrata Das,
Mr. Saptarshi Mukherjee

...for the petitioners

Mr. Sumit Ray

...for the WBSEDCL

Learned counsel for the petitioners submits that the Distribution Licensee has raised a quotation, which estimates the costs to be incurred by the Distribution Licensee for giving electric connections to the petitioners, including the infrastructural charges required.

Learned counsel for the petitioners submits that already a civil suit is pending before a competent court between the landlord and the promoter of the building, for which the petitioners, who are residents therein, having been allotted flats, are suffering.

Hence, it is submitted that the liability to pay such exorbitant amount is not on the petitioners but on the promoter.

Be that as it may, the law stipulates that a consumer, to get individual electric connection to her/his premises, is required to bear the expenses incurred by the Distribution Licensee.

As such, although the payment to be made by the petitioners and the other flat allottees will not prejudice, in any manner, the rights and contentions of the petitioners to recover the sum from the promoter/landlord by due process of law, for the present it is the petitioners and the other allottees who are to deposit the said amount as demanded by the Distribution Licensee, to get their individual electricity connections.

Accordingly, WPA No.871 of 2022 is disposed of by directing the petitioners and permitting the other allottees to deposit the quotation amount raised by the WBSEDCL for giving the necessary electric connections to the petitioners and such allottees.

The WBSEDCL shall, positively, raise the final quotation by March 4, 2022. Upon the petitioners and the other allottees paying/depositing such amount, the individual electric connections to the petitioners and such other allottees will be given as expeditiously

as possible, positively within four weeks after the deposit of such sum by the petitioners and the other allottees and compliance of all formalities, including filing appropriate applications for individual electricity connections in appropriate form by the petitioners and other flat allottees.

It is further clarified that the petitioners need not produce a 'No Objection or Way Leave Certificate' from the promoter or the landlord for the purpose of getting such electric connection. This order shall not prejudice the rights and contentions, as indicated above, either of the parties hereto or any other interested parties.

The report filed by the WBSEDCL is kept on record.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)