

25th February,
2022
(AK)
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WPA 2414 of 2022

(Via Video Conference)

Ashok Kumar Sharma
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Debanik Banerjee
Mr. Aniruddha Ganguly
...for the petitioner.

Mr. Sujit Sankar Koley
...for WBSEDCL.

Mr. Suddhasatva Banerjee
Mrs. Anupa Banerjee
Mrs. Sanchita Barman Ray
...for the private respondent no.3.

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

Learned counsel for the petitioner submits that the
petitioner, being an occupier of the premises-in-question,
has been enjoying the electricity connection at the
premises which existed in the name of the private
respondent.

However, since the said connection has now been
severed on the application of the private respondent, the
petitioner is making do without electricity. As such, the
petitioner prays for restoration of the electric connection.

Learned counsel for the WBSEDCL supports the contention insofar as the disconnection by the WBSEDCL at the behest of the private respondent is concerned.

Learned counsel for the private respondent submits that since the previous connection, which has now been cut off, was an industrial connection, there is no option for the petitioner to seek restoration of such connection.

Moreover, it is contended that the private respondent being the consumer in whose name the electric connection was given, it is the prerogative and the exclusive right of the consumer, that is, the private respondent, to have such connection severed/revived, if so deemed fit by the consumer.

It is also argued by learned counsel for the private respondent that no prayer has been made by the petitioner, either in the writ petition or in his representation before the Distribution Licensee, asking for any fresh electricity connection in the petitioner's name.

As such, the writ petition, in its present form, ought to be dismissed.

Although there is substance in the contention of the private respondent that, at the behest of a third party to the electricity connection, such connection cannot be restored, since it stood originally in the name of the private respondent, for the ends of justice, and in view of the provisions of Section 43 of the Electricity Act, 2003,

there is nothing in law to prevent the petitioner from seeking a new electricity connection in his own name.

Accordingly, WPA 2414 of 2022 is disposed of by granting the petitioner liberty to apply for a fresh electricity connection in his own name at the premises-in-question.

If such an application is made, the WBSEDCL shall consider the feasibility of such connection being given to the petitioner and, upon compliance of all formalities by the petitioner, shall give such connection.

It is made clear that even if any new electric connection is given to the petitioner, the same will not create any special right or equity in favour of the petitioner and shall not prejudice the rights and contentions of the petitioner and the private respondent in the civil suit which is pending in respect of the disputed property.

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.)