

23
25.02.2022
TN

WPA No.2796 of 2022

Tulip Enterprise represented by its sole
proprietor Debdas Ghosh

Vs.

State of West Bengal and others

(Via Video Conference)

Mr. Debraj Bhattacharya,
Mr. Debasish Kar,
Mr. Saikat Ghosh

.... for the petitioner

Mr. Sudipto Panda,
Mr. Sajal Kr. Pandit

.... for the State

Mr. Sumit Ray

.... for the WBSEDCL

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

Learned counsel for the petitioner submits that initially the petitioner's father had sought electricity connection at the premises-in-question. Subsequently, after the demise of his father, the sole proprietor of Tulip Enterprise Sri Debdas Ghosh, that is, the present petitioner has approached the Distribution Licensee intimating the factum of death. Initially, there was objection on the part of the P.W.D., which has subsequently been creased out.

However, apparently due to objection being raised by some people, the Distribution Licensee is not being able to give such connection to the petitioner.

Learned counsel appearing for the Distribution Licensee submits, apart from corroborating the stand of the petitioner, that the petitioner has to apply afresh in the petitioner's name for the WBSEDCL to give the new connection. However, it is assured by learned counsel for the Distribution Licensee that if certain amounts have been deposited by the father of the petitioner, upon sufficient proof being furnished as regards the relation between the petitioner and his demised father, the amount already deposited will be adjusted in the petitioner's name.

Learned counsel appearing for the State-respondents submits that, till date, no complaint against any person has been lodged with regard to the present dispute.

The police report, filed by learned counsel for the State, be kept on record.

The law, as per the Regulations framed by the West Bengal Electricity Regulatory Commission (WBERC), provides that if specific objections are raised to any new electric connection to be given, the matter has to be referred to the District Magistrate.

In such view of the matter, WPA No.2796 of 2022 is disposed of by directing the petitioner to apply in appropriate form for electricity connection to be given in the petitioner's name and/or in the name of his proprietorship business.

If such an application is made by the petitioner, the Distribution Licensee shall make necessary adjustments in respect of the payment already made by the father of the petitioner with regard to new application.

The matter shall be referred by the Distribution Licensee, within a week from date, to the concerned District Magistrate, who will decide the objections raised by the third parties to the new connection being given to the petitioner.

It is expected that, after being apprised of the dispute, the concerned District Magistrate shall dispose of the same in accordance with law upon notice to all concerned, as expeditiously as possible, preferably within six weeks from the date of such intimation to the District Magistrate.

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.)