

AD. 8.
February 14, 2022.
MNS.

(Through Video Conference)

WPA No. 3685 of 2021

Madan Mandal
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. Sabir Ahmed,
Md. Kutubuddin
...for the petitioner.

Mr. Kanak Kiran Bandopadhyay
...for the WBSEDCL.

The grievance of the writ petitioner is that the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') is withholding new electric connection to the petitioner, despite the petitioner having duly applied for the same for the purpose of operating a submersible pump, on the frivolous pretext of pending disputes with the private respondent nos. 6 and 7.

It is contended by learned counsel for the WBSEDCL, by placing reliance on a photocopy of a purported communication annexed at page 14 of the affidavit-in-opposition used by the WBSEDCL, that the wife of the petitioner, who used to enjoy an electric connection at the same premises, left a default of huge amount, for which the electric supply to the petitioner's wife was disconnected previously.

In order to avoid payment of their outstanding dues, the petitioner has applied afresh for a new connection in his own name.

Learned counsel for the petitioner seeks to contend that the electric connection of the petitioner's wife was apparently in some other premises than the present one, in respect of which the application for new electric connection has been made.

Be that as it may, since the WBSEDCL has established sufficient *prima facie* nexus between the petitioner and his wife Subhadra, whose electric supply was disconnected previously on the allegation of default, and in the absence of any rebuttal to the subsistence of the matrimonial relation of the petitioner with Subhadra and/or regarding the exact location of the premises (which is not *ex facie* evident from the quotation), the WBSEDCL was justified in refusing to give a new electric connection to the petitioner without the petitioner first clearing the outstanding dues of Rs.2,26,501/- (Rupees two lakh twenty six thousand five hundred and one) approximately, as it stood till May 28, 2019, when the electric supply to Subhadra's meter was disconnected.

Thus, the equity exercised by a writ court ought not to be used in favour of the petitioner in the present case, since the petitioner has failed to establish *bona fides* in moving the writ petition. Not

only has the petitioner suppressed the communication by the WBSEDCL to the petitioner, which has been annexed to the affidavit-in-opposition of the distribution licensee, the petitioner has failed to rebut the *prima facie* presumption of nexus between the petitioner and his wife, who defaulted in respect of electricity dues on a previous occasion, as specifically raised by the licensee's averments in its opposition.

Hence, there is no scope of interference in the present writ petition.

Accordingly, WPA No. 3685 of 2021 is dismissed on context without any order as to costs.

It is made clear that in the event the outstanding dues are paid and all due formalities are complied with by the petitioner, this order will not prevent the WBSEDCL from giving a new electric connection to the petitioner expeditiously after compliance of such formalities.

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.)