

AD. 2.
March 21, 2022.
MNS.

WPA No. 4068 of 2022

Monirul Sk.
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. Sarbananda Sanyal,
Mr. Poulami Chakraborty

...for the petitioner.

Mr. Srijan nayak,
Mrs. Rituparna Maitra

...for the WBSEDCL.

Mr. Abdur Rakib

...for the private respondent.

Learned counsel for the petitioner submits, when the matter is called on for hearing, that the petitioner has obtained a document incorporating a communication by the Ground Water Resources Department, Government of West Bengal, which indicates that no SWID certificate was taken in respect of Plot No. 701, to which the private respondent has taken a new electricity connection to operate the latter's submersible pump.

Such contention is denied by learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL'), who submits that only upon furnishing a valid SWID certificate and the same being verified, the private

respondent was given a new electricity connection in the private respondent's name at Plot No. 701.

Apart from reiterating such submissions of the WBSUEDCL, learned counsel appearing for the private respondent adds that there arises no question of the private respondent having transferred his father's name in respect of the deceased father's meter to his own, since the supply to the meter standing in the name of the father (since deceased) is still alive and being used.

It appears that the limited ambit of the writ petition is the petitioner's challenge to the alleged attempt of the private respondent to unilaterally have the name of the consumer transferred from that of the deceased father of the petitioner to the private respondent's name, also seeking an injunction restraining the private respondent from so transferring.

Hence, in view of it being corroborated by the WBSUEDCL as well as the private respondent that no such transfer has taken place but the private respondent has taken an entirely new connection at Plot No. 701, which belongs to the private respondent, there is no scope of enlarging the scope of the writ petition by seeking to adjudicate the new allegation raised by the petitioner at this juncture, as regards the electricity connection given to the

petitioner being *de hors* the law, in the absence of a SWID certificate.

In any event, the petitioner has the liberty to approach the WBSEDCL with a proper complaint, enclosing all necessary documents, disputing the legality of the electricity connection given to the private respondent.

If such a complaint is lodged by the petitioner, the WBSEDCL shall decide on the same in accordance with law, upon giving appropriate opportunity of hearing to all interested parties, including the petitioner and the private respondent.

It is made clear that the respective rights of the petitioner and the private respondent with regard to Plot No. 701 or the plot, where the petitioner's deceased father's connection had been taken are not gone into by this Court.

WPA No. 4068 of 2022 is disposed of in terms of the above observations.

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.)