

AD. 10.
March 10, 2022.
MNS.

(Through Video Conference)

WPA No. 4140 of 2022

Subir Kumar Bhowmik
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Amal Kumar Banerjee

...for the petitioner.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

...for the WBSEDCL.

Mr. Indranil Roy,
Mr. Sunit Kumar Ray

...for the private respondents.

Learned counsel for the petitioner argues that at the instance of the private respondents, the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') is apprehended to disconnect the electricity supply of the petitioner.

It is submitted that although a new electric connection was given in the name of the petitioner at the premises-in-question, of which the petitioner is in occupation, subsequently the WBSEDCL communicated in writing on February 28, 2022 that proper way leave permission as per Format – A provided by the petitioner at the time of applying for giving such connection was incomplete and that

objection was raised by other legal heirs. Five working days were given to the petitioner by the WBSEDCL to produce a no objection certificate from the other legal heirs, being the private respondents.

Learned counsel for the WBSEDCL submits that in view of the subsequent complaint and objection lodged by the private respondents, the WBSEDCL was constrained to make such communication to the petitioner.

Learned counsel for the private respondents, on instruction, categorically contends that although the mother of the parties is still alive and there is a pre-existing electric connection at the same premises in the name of the mother, the petitioner got a second connection at the premises, even in the absence of any partition, in the petitioner's name, for which the objection has been raised by the private respondents.

It is further alleged by learned counsel for the private respondents that the petitioner did not care to take any 'no objection' certificate or 'way leave' permission from his other co-sharers, that is, the mother of the parties and the present private respondents, prior to taking a new connection in the name of the petitioner. Being equally entitled to a new connection as the writ petitioner, the private respondent has raised the objection.

Whatever may be the merits of the objection taken by the private respondents, since a *prima facie* dispute has been made out from the respective submissions of the parties, as per the extant Regulations, the dispute has to be referred to the concerned District Magistrate.

Hence, WPA No. 4140 of 2022 is disposed of by granting liberty to the petitioner and the private respondents to refer the dispute to the concerned District Magistrate.

If so approached, the said District Magistrate shall decide the dispute upon giving appropriate opportunity of hearing to all interested parties in accordance with law, without being influenced in any manner by any of the observations made herein, as expeditiously as possible, preferably within eight weeks from the date of such reference 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.)