

22nd March,
2022
(AK)
04

W.P.A 4538 of 2022

Sanwar Ali Molla
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Nilamjan Bhattacharjee
Mr. Arpan Guha
...for the petitioner.

Ms. Sima Sengupta
...for WBSEDCL.

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

Despite service, none appears for the private respondent, although the petitioner and the respondent nos.1 to 3 are represented through counsel.

It is contended by learned counsel for the petitioner that the petitioner is a developer in respect of a particular property, after development of which, the petitioner has already handed over the allocation of the owner (respondent no.5) and the purchasers.

However, initially the petitioner had been using the meter of the respondent no.5 for the purpose of getting electric supply.

Subsequently, the owner having disconnected his service connection, the petitioner is, at present, without electricity.

Learned counsel appearing for the respondent nos.1 to 3 submits that, due to the objection of respondent no.5, as given to the Distribution Licensee in writing, the licensee is not being able to give a new service connection in the name of the petitioner, although there is no hindrance otherwise to give such connection, subject to the petitioner complying with all formalities.

In view of the specific written objection and since the petitioner admittedly has instituted a suit against the private respondent no.5/owner, which is still pending, as per law, the objection of the respondent no.5 to the petitioner taking a new service connection ought to be decided by the concerned Magistrate.

Accordingly, WPA 4538 of 2022 is disposed of by directing the parties and/or either of the parties to approach the concerned District Magistrate at the earliest with the dispute as preferred in the present writ petition.

If so approached, the said learned Magistrate shall decide the dispute as expeditiously as the business of the said court permits, preferably within six weeks from the date of reference to the Magistrate.

The parties as well as all concerned shall act on the written communication by the learned Advocate for the petitioner, accompanied by a server copy of this order, without insisting upon prior production of a certified copy.

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.)