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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 5511 of 2022

Dulali Rani Saha

-vs.-

The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Debabrata Sardar,
Mr. Mrinal Kanti Maity
...for the petitioner

Mr. Sankar Banerjee
...for the WBSEDCL

Learned counsel appearing for the petitioner contends that the WBSEDCL issued an unwarranted notice for disconnection of the service connection of the petitioner on March 10, 2022. Such connection has given upon a quotation being raised and the amount being paid by the petitioner under the domestic category on December 23, 2021.

Learned counsel appearing for the WBSEDCL, while controverting such contention of the petitioner, submits that it will be evident from the communications made on behalf of the petitioner, annexed at page 25 onwards of the writ petition, that the petitioner is making construction on the disputed property.

The petitioner has, in fact, admitted the said fact in the communications-in-question.

Upon taking an inspection after getting such communication from the petitioner, the WBSEDCL has ascertained that no domestic activities are going on at the property but the petitioner is trying to make construction thereon. As such, learned counsel submits that the petitioner is not entitled to a service connection under the domestic category but has to apply for a separate connection for the purpose of making construction, for which a separate meter has to be installed.

It appears from the contention of the petitioner and the documents annexed to the writ petition itself, that admittedly, the petitioner is making construction on the suit property. Learned counsel for the petitioner has sought to explain such position by indicating that such communications are mere extensions of the existing structure. Be that as it may, for the purpose of construction, service connection taken under the domestic category cannot be permitted to be used, as rightly contended by the learned counsel for the WBSEDCL. In fact, learned counsel for the WBSEDCL, on instruction, submits fairly that upon completion of construction, the WBSEDCL has no difficulty in reverting back to the previous arrangement by giving a domestic connection to the petitioner.

In view of the materials-on-record, it is clear that the petitioner is making construction and, as such, WBSEDCL was justified in giving a notice for disconnection

of such service connection taken by the petitioner under the domestic category but being used for construction purpose.

Hence, W.P.A. No. 5511 of 2022 is disposed of by granting liberty to the petitioner to apply for a proper service connection and a separate meter for the purpose of carrying out construction at the premises within a week from date. Thereafter, subject to compliance of all formalities by the petitioner in that regard, WBSEDCL shall give such fresh service connection to the petitioner for the purpose of carrying out construction at the premises.

Upon completion of such construction, it would be open to the petitioner to seek a service connection for domestic purpose by reverting back to the original position. If so approached, the WBSEDCL shall take a further inspection and if satisfied that the connection is being used for domestic purpose, revert back to the original arrangement for domestic category service connection to the petitioner.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)