

S/L. 14.
July 8, 2022.
MNS.

WPA No. 11943 of 2022

Shri Tapan Kumar Nath
Vs.
The State of West Bengal and others

Mr. Supriya Ranjan Ghosh

... for the petitioner.

Mr. Khairul Alam

...for the State.

Ms. Mitali Bhattacharya

...for the WBSEDCL.

Learned counsel for the petitioner places reliance on Section 43 of the Electricity Act, 2003 (2003 Act) for the proposition that the petitioner is an occupant and co-owner of the premises-in-question and is entitled to an independent electricity connection in his own name. However, when the petitioner applied for new connection in his own name, the Distribution Licensee has not given such connection on the premise that there is an existing service connection at the premises. It is submitted that the service connection in the premises is in the name of the deceased mother of the petitioner and as such, there cannot be any hindrance in giving such connection.

Learned counsel appearing for the Distribution Licensee submits that there are three co-owners after the demise of the original consumer, that is, the mother of the petitioner. It is further submitted that the existing meter, in the name of the deceased, Sabitri Bala Nath (mother of the petitioner) is still functional and is supplying electricity to the premises-in-question. Moreover, the tax receipt of the land is in the name of the said Sabitri Bala Nath.

As such, unless the petitioner either applies for transfer of the meter in his own name with the consent of the other owners or applies afresh for a new electricity connection, upon the previous connection being disconnected in compliance with law, no connection can be given to the petitioner.

Keeping in view of such circumstances, WPA No. 11943 of 2022 is disposed of by granting liberty to the petitioner to apply either for transfer of name in respect of the electric meter in the name of the petitioner, with appropriate way leave certificate/consent from his co-owners or, in the alternative, to apply for a new connection jointly with the other co-owners/or to apply for a

new connection with such consent/way leave certificate, as indicated above.

If so applied, the Distribution Licensee shall process such application and, upon compliance of all due formalities by the petitioner, give such 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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)