

S/L. 39.
September 5, 2022.
MNS.

WPA No. 16720 of 2022

Amiya Bhusan Chatterjee and another
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Kaushik Dey,
Mr. Sutirtha Das

... for the petitioners.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

Mr. Om Narayan Rai

...for the private respondent no. 4.

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

Learned counsel for the petitioners
contends that the petitioner no. 2 is the sole
beneficiary of a Will executed by the deceased
mother of the petitioner no. 2.

It is submitted further that initially two
electricity connections had been given at two
portions of the premises, one in the name of the
father of the petitioner no. 2 and the other in the
name of the mother (since deceased) of the
petitioner no. 2.

Upon the mother having expired, the petitioner no. 2 intends to seek transfer of the name in respect of the electricity meter of the mother in the name of the petitioner no. 2. However, the Distribution Licensee is seeking to disconnect the electricity supply in the name of the mother, namely, Madhury Chatterjee (since deceased).

Learned counsel appearing for the Distribution Licensee submits that if, in the same premises, two new electricity connections are given, it will create a problem of apprehended splitting of load.

It is also submitted by learned counsel for the private respondent no. 4 that the private respondent no. 4 also has a claim in respect of the same property, left by the deceased mother, as the second son of the erstwhile deceased consumer.

It is submitted that a rival, subsequent Will was executed in favour of the private respondent no. 4 by the mother, which allegedly supersedes the earlier purported Will, if executed, in favour of the petitioner no. 2. As such, the petitioner no. 2, it is submitted, is not entitled to get a transfer of the standing electricity meter, standing in the

name of the deceased mother, in the name of the petitioner no. 2.

Upon considering the submissions of the parties, it transpires that although the petitioner is admitted to be in occupation of the premises-in-question by the Distribution Licensee itself, there is a dispute as regards the entitlement of the petitioner no. 2, as opposed to the private respondent no. 4, who are the two sons respectively of the deceased erstwhile consumer, in respect of the legacy with regard to the portion of the property previously owned by the deceased mother.

Hence, the transfer at this juncture, without resolution of such dispute, might give rise to future complications.

However, there is nothing to prevent the petitioner no. 2 or the private respondent no. 4 from applying for independent and fresh electricity connections in their own names.

Hence, WPA 16720 of 2022 is disposed of by granting liberty both to the petitioner no. 2 and the private respondent no. 4 to file applications respectively for getting independent electricity connection in their own names. Subject to the satisfaction as regards the criteria for giving such

connection being fulfilled, the Distribution Licensee shall give such connection to the entitled party (or parties) as expeditiously as possible, preferably within three weeks from the date of making such applications and compliance of requisite formalities, whichever is later.

It is made clear that in the event the Distribution Licensee intends to refuse any of the applications, if made by either the petitioner no. 2 or the private respondent no. 4, nothing in this order shall prevent the Distribution Licensee from doing so on valid and justified legal grounds. If so done, liberty is given to the aggrieved party to approach the concerned District Magistrate for resolution of the ensuing dispute.

It is made clear that in the event the applications for new electricity connection are made by the petitioner no. 2 and/or the private respondent no. 4 within a week from date, the Distribution Licensee shall not disconnect the existing electricity meter standing in the name of the deceased mother of the petitioner no. 2 and the private respondent no. 4 until and unless the applications are processed and an until opportunity of about a week is given to the successful applicant to comply with the requisite

formalities as required by the Distribution Licensee in law.

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.)