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07.02.2022
TN

WPA No.19751 of 2021

Ayesh Koroni
Vs.
The State of West Bengal and others

(Via Video Conference)

Mr. Mukteswar Maity,
Ms. Manika Sarkar

.... for the petitioner

Ms. Sipra Mazumder

.... for the State

Mr. Kanak Kiran Bandyopadhyay

.... for the WBSEDCL

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

None appears for the private respondent despite
service.

Learned counsel for the petitioner contends that
the private respondent no.6, namely, Luttul Sk. alias
Hansu has applied for an electric connection to
operate a submersible pump at plot no.7602, which is
adjacent to the petitioner's plot.

It is submitted that the said applicant did not
produce any necessary permit or SWID certificate
from the Ground Water Authorities prior to making

such application. That apart, it is contended that the respondent no.6 is not the owner of the said plot and is not entitled to such electric connection.

Learned counsel appearing for the Distribution Licensee contends that no application at the behest of the said Luttul Sk. is pending before the Distribution Licensee at all. Rather, one Hasimuddin Ali has applied for new electric connection at plot no.7602. However, such connection does not necessarily require any prior production of a SWID certificate or permit from the Ground Water Resources Authorities, since the same falls within the exceptions of the relevant Notification, being not required to operate an electromotor pump set of 5.0 HP, regarding which category such permit/certificate is exempted.

It is further contended that the petitioner himself, on the contrary, has previously been charged for theft of electricity regarding other meters.

Learned counsel appearing for the petitioner controverts such allegations and submits that counsel has no instruction on such previous allegations of theft.

In any event, such allegations are irrelevant for the purpose of deciding the present writ petition. In view of the specific submissions of the Distribution Licensee itself that the present respondent no.6 has

not applied for any electric connection but an application has been made by one Hasimuddin Ali in respect of the concerned plot, that too in due process of law since no permit is required at all from the Ground Water Resource Authorities in view of the electromotor pump desired to be operated by the said Hasimuddin Ali being only of 5.0 HP, there is no question of any interference in the present writ petition. Insofar as the ownership of the said Hasimuddin in respect of the plot-in-question is concerned, it is not the look-out of the writ petitioner to dispute the occupation or ownership of the prospective consumer, since the petitioner has no conceivable interest in the matter.

As such, there cannot be any impediment in the Distribution Licensee giving electric connection to the said Hasimuddin Ali at plot no.7602, subject to compliance of all formalities by the said Hasimuddin Ali.

Accordingly, WPA No.19751 of 2021 is dismissed, without any 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.)