

AD. 15.
February 8, 2022.
MNS.

(Through Video Conference)

WPA No. 21446 of 2021

Swapan Bag
Vs.
The State of West Bengal and others

Md. Sarwar Jahan,
Mr. Maidul Islam Kayal

...for the petitioner.

Mr. Swapan Kumar Pal

...for the State.

Mr. Debjit Mukherjee

...for the WBSEDCL.

A peculiar technical difficulty has arisen in the present case.

Although the other siblings of the petitioner have apparently gifted to the petitioner their shares in a property, which originally belonged to the deceased father of the petitioner, by virtue of a registered deed of gift, bearing the following registration number: Book- 1, Volume number 1610-2021 (pages from 59533 to 59560) being No. 161002262 for the year 2021, the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') is not agreeable to transfer the name in respect of the meter-in-question in the name of the petitioner.

Learned counsel appearing for the WBSEDCL submits that in view of a previous application by all other siblings of the petitioner for disconnection of the existing electric supply standing in the name of the deceased father, unless the said brothers and sisters of the petitioner joined in the application for transfer, no such transfer could be effected.

In order to obviate the technical difficulty which has thus arisen, it would be appropriate in the context if the present writ petition of the petitioner is deemed to be the consent of the petitioner to disconnect the existing meter standing in the name of the deceased father.

Learned counsel for the petitioner submits that the petitioner is agreeable to extend consent to the disconnection of the previous meter subject to a new meter being provided to the petitioner.

Thus, regardless of such separate consent, WPA No. 21446 of 2021 is disposed of by directing the WBSEDCL to disconnect the previous electric connection standing in the name of the deceased father of the petitioner at the premises-in-question, at the earliest, simultaneously with a new connection being given to the petitioner in the petitioner's name, subject to compliance of all formalities by the petitioner, including the filing of a fresh application for new electric connection by February 10, 2022, as well as furnishing an authenticated copy of the gift deed

executed by all the brothers and sisters of the petitioner in favour of the latter and depositing money as per the quotation raised by the WBSEDCL.

It is expected that such disconnection and simultaneous new connection shall be executed by the WBSEDCL within a fortnight from the compliance of all such formalities by the petitioner.

In the event, an application is made afresh by the petitioner for such new connection, as indicated above, it will be deemed that the necessity for further 'no objection' certificate from the other heirs is waived, of course, subject to the petitioner furnishing a copy of the registered gift deed, also as indicated above.

The instructions filed by the learned Advocate for the WBSEDCL today and a photocopy of the gift deed relied on by the petitioner be kept on record.

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.)