

S/L. 11.
September 21, 2022.
MNS.

WPA No. 21217 of 2022

Shanti Shah
Vs.
The State of West Bengal and others

Mr. Syed Shamsul Arefin,
Ms. Kamiz Kulsum,
Ms. Nadira Abedin

... for the petitioner.

Mr. Swapan Kumar Pal

...for the State.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

...for the WBSEDCL.

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

Learned counsel for the petitioner
contends that the petitioner is a widow lady living
with her minor child at the residential premises,
where she was enjoying electricity during the life-
time of her husband, who was the erstwhile
tenant of the property, from the sub-meter given
by the landlord.

However, subsequently the electricity
supply has been disconnected, for which the
petitioner and her child are suffering.

It is contended that despite the petitioner having approached the West Bengal State Electricity Distribution Company Limited (WBSEDCL) with an application for a new electricity connection in her own name, the WBSEDCL refused to take receive such application on the ground that there were outstanding amounts due in respect of unpaid electricity charges by the landlord for the same premises.

It is submitted that in view of the disconnection, the petitioner has an independent right to get electricity connection as a tenant and occupant, which cannot be circumscribed by the rider of payment of outstanding dues left by the landlord.

Learned counsel for the WBSEDCL submits that the disconnection was not made by the landlord but by the WBSEDCL for non-payment of substantial electricity charges.

It is contended that subsequently the landlord has also met his demise and the present landlady, in all probability, is not in a position to pay the outstanding amount, for which no application for reconnection was made by the present owner.

It is further submitted that the amount due in lieu of outstanding electricity charges comes to Rs.24,000/- (Rupees twenty four thousand only) (approximately).

Upon hearing learned counsel for the parties, it transpires that the landlord is also not in a position to seek restoration of the connection, let alone clear the outstanding amount of dues, for the present, for which no restoration application was made by the landlord.

Be that as it may, as a tenant and occupant of the property, the petitioner has an independent right to get electricity connection. However, in view of the admitted position that previously the petitioner had been enjoying electricity from the sub-meter given at the behest of the landlord from his electricity supply, it cannot be denied that there is a nexus for the purpose of the WBSEDCL claiming the outstanding dues from the petitioner.

However, the petitioner is evidently not in a position, due to her present circumstances, to pay the entire outstanding dues. However, if a comprehensive and equitable view is taken, the liability of the tenant and the landlord can roughly be divided into half and half, which brings the

outstanding dues payable by the petitioner-occupant to around Rs.12,000/- (Rupees Twelve Thousand only).

Hence, keeping in mind the predicament of the petitioner and her right to get electricity connection at the premises as an occupant, the purpose of justice would be subserved in the event the petitioner deposits the amount-in-question, that is, her part of the dues of outstanding money, and applies for a new electricity connection.

Therefore, WPA No. 21217 of 2022 is disposed of by granting leave to the petitioner to apply afresh for her new electricity connection at the premises-in-question in her own name, upon deposit of the requisite fees and compliance of all formalities as well as deposit of an amount of Rs.12,000/- (Rupees Twelve Thousand only) in full and final settlement of the petitioner's share of the outstanding liability of electricity charges.

In the event, the petitioner complies with such formalities and makes such application, the WBSEDCL shall accept and process such application, upon the petitioner paying Rs.12,000/- (Rupees Twelve Thousand only) in lieu of outstanding dues as her share of the

same, and give the electricity connection, subject to compliance of due formalities by the petitioner, to the petitioner as expeditiously as possible, positively within a fortnight from the date of compliance of all formalities.

It is made clear that the WBSEDCL shall not refuse to accept the application in the event the petitioner offers Rs. 12,000/- in respect of outstanding dues as her share.

It is further clarified that it will be open to the WBSEDCL to claim the balance outstanding amount of about Rs. 12,000/- along with requisite late payment surcharge from the landlord and nothing in this order shall affect or prejudice the right of the WBSEDCL to claim the balance Rs.12,000/- along with other requisite charges from the landlord.

It is further made clear that mere grant of electricity in the name of the petitioner shall not create or confer any special equity, right or title in favour of the petitioner inasmuch as the property is concerned.

The parties shall act on the written communication of the learned Advocate for the petitioner, coupled with a sever copy of this order,

without insisting upon prior production of a certified copy thereof.

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.)