

S/L. 20.
September 26, 2022.
MNS.

WPA No. 21594 of 2022

Rina Datta
Vs.
The Chairman, Managing Director, West
Bengal State Electricity Distribution
Company Limited and others

Mr. Arunava Pati,
Mr. S. C. Dhara
... for the petitioner.

Mr. Koushik Roy
...for the WBSEDCL.

Mr. Debabrata Saha Roy,
Mr. Pingal Bhattacharyya
...for the private respondent.

Learned counsel for the petitioner submits
that the petitioner was given new electricity
connection, which was subsequently
disconnected by the West Bengal State Electricity
Distribution Company Limited (WBSEDCL)
without any prior notice or information to the
petitioner.

Learned counsel appearing for the private
respondent submits that the private respondent is
a co-owner of the property with the petitioner and
that the petitioner does not reside at the premises

at all and, as such, is not entitled to get electricity connection as an occupant.

However, upon hearing learned counsel for the parties, particularly counsel for the WBSEDCL, it transpires from the record that the petitioner is admittedly at least a co-owner in respect of the property and, thus, is entitled to get an electricity connection there. Inasmuch as the objection taken by the private respondent with regard to the petitioner not being an occupant thereto, the same is beyond the jurisdiction of the writ court to decide. In any event, the disconnection was effected without prior notice to the petitioner, rendering the said act palpably illegal on the part of the WBSEDCL. It has to be presumed that since electricity connection was given to the petitioner in the first place, the WBSEDCL was satisfied with the credentials of the petitioner, including production of valid papers, in respect of the occupation of the petitioner at the property, at the time of giving such connection.

Hence, WPA No. 21594 of 2022 is disposed of by directing the WBSEDCL to restore the electricity connection of the petitioner immediately, positively within a week from date.

In the event the WBSEDCL personnel are obstructed by the respondent no. 7 and/or his men and agents in doing so, the WBSEDCL personnel will be at liberty to approach the respondent no. 6, that is, the Officer-in-Charge, Kaliganj Police Station, who will grant such assistance at the cost of the petitioner, acting upon a server copy of this order.

It is, however, made clear that such connection shall be subject to any adjudication which may be undertaken by the concerned District Magistrate, that is, the respondent no. 5, in the event the private respondent no. 7 approaches the respondent no. 5 with the dispute as raised in the present writ petition.

If so approached, the District Magistrate shall give opportunity of hearing to the petitioner as well as the private respondent and all other interested parties and decide such dispute in accordance with law and pass necessary consequential orders as expeditiously as possible, preferably within eight weeks from the reference being made by the private respondent.

However, it is made clear that the electricity connection, which will be restored to the petitioner by the WBSEDCL by virtue of this

order, shall not create any special right or equity in favour of the petitioner.

It is further clarified that the disputes raised by the private respondent have not been gone into by this Court on merits and it will be open to the District Magistrate to decide all consequential issues in accordance with law without being influenced in any manner by any of the observations made herein.

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.)