

D/L. 20.
December 14, 2022.
MNS.

WPA No. 26884 of 2022

Nuren Nisha
Vs.
The State of West Bengal and others

Mr. Dipankar Mondal,
Mr. Anisur Rahaman

... for the petitioner.

Mr. Swapan Kumar Pal

...for the State.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

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

Learned counsel for the petitioner
contends that, without prior notice to the
petitioner, the West Bengal State Electricity
Distribution Company Limited (WBSEDCL)
disconnected the electricity supply of the
petitioner.

Learned counsel for the WBSEDCL
controverts such allegation and contends that the
petitioner is not even a consumer in respect of
electricity at the premises-in-question. The
erstwhile consumer has left a substantial amount

as dues. The petitioner was also enjoying electricity from such defaulting meter, for which the disconnection has been effected.

It transpires from the annexures to the writ petition that, purportedly, the writ petitioner has been paying electricity bills in favour of the WBSEDCL in her own name.

As such, at least on a *prima facie* footing, the petitioner has been able to make out a case that she is the consumer with regard to the electricity being enjoyed at the property.

However, there may be substance in the allegation of the WBSEDCL that the petitioner is actually not a consumer and has only been paying the bills in her name on behalf of the actual consumer. Even with regard to the allegation of outstanding dues, no such specific notice or claim was made to the petitioner prior to disconnection. As such, in the facts of the case, there is no justification for the disconnection without prior notice to the petitioner.

Accordingly, WPA No. 26884 of 2022 is disposed of by directing the WBSEDCL to restore the electricity supply in respect of the meter-in-question, having Consumer ID No. 300956715, within twenty-four hours from now.

However, it is made clear that such connection will be restored without prejudice to the rights and contentions of the WBSEDCL with regard to any allegation that the WBSEDCL might have in respect of outstanding dues for the said meter, and/or with regard to the petitioner not being a *bona fide* consumer with regard to the said meter. Nothing in this order shall preclude the WBSEDCL from taking steps in that regard, following due process of law.

It is also clarified that the restoration of the electricity connection shall not, by itself, operate as conferring any equity in favour of the petitioner, which the petitioner otherwise does not have.

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.)