

AD-13
Ct No.09
22.12.2022
TN

WPA No. 28265 of 2022

Mr. Angshuman Bhadra
Vs.
The West Bengal Electricity Distribution Company
Limited and others

Mr. Asif Hussain,
Mr. Swapan Nath,
Ms. Labani Pan

.... for the petitioner

Dr. Madhusudan Saha Roy

.... for the WBSEDCL

Learned counsel for the petitioner argues that the petitioner purchased the property in an auction sale and thereafter cleared off the alleged outstanding dues in the name of a previous defaulting consumer for getting a new electricity connection at the property.

After getting such connection and having enjoying the same for some time, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) gave another notice on August 04, 2022 indicating that there were further outstanding dues in the name of one Hazi Saran Ali Mandal, consumer ID No. 115083797, to the tune of Rs.30642/- + Rs.92615.48 p (which may increase).

The petitioner controverted such allegation by a letter dated August 25, 2022.

Thereafter, the WBSEDCL disconnected the electricity supply of the petitioner.

After such disconnection on November 30, 2022, the WBSEDCL issued a communication to the petitioner on the self-same date indicating that the service line of the petitioner had been disconnected due to non-payment of Rs.2,05,144.27 p (including L.P.S.C) against the consumer ID No. 115104388 in the name of one Sri Gobinda Narayan Bose, a third entity.

It is contended that the *post facto* intimation of an alleged outstanding having been left by a person entirely different from the defaulter mentioned in the pre-disconnection notice dated August 04, 2022 is absurd and palpably arbitrary.

Since the WBSEDCL itself is resiling from its original position as regards the name and consumer ID of the alleged defaulter, the disconnection ought to be set aside.

Heard learned counsel for the parties.

It is evident from the records that the allegations of the petitioner are true.

Since the WBSEDCL does not have any *locus standi* to disconnect an electricity connection and *post*

facto give the reason for such disconnection under the law, the present disconnection itself is suspect.

That apart, it is noteworthy that the WBSEDCL itself has made a paradigm shift in its position by mentioning two different alleged defaulters and two different consumer ID numbers in respect of which the default was allegedly made, pre and post-disconnection. On the face of it, such perverse action on the part of the WBSEDCL has to be deprecated and set aside.

Accordingly, WPA No. 28265 of 2022 is allowed, thereby directing the WBSEDCL to restore the connection of the petitioner unconditionally within twenty-four hours from now.

Thereafter it will be open to the WBSEDCL to raise further claims, if any, against the petitioner in due process of law, if otherwise so entitled in law. If so done, the petitioner will be given an opportunity of controverting such allegation before taking a decision thereon.

Parties shall act on the written communication of the learned Advocates for the parties, accompanied by server 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.)