

AD-12
Ct No.09
23.12.2022
TN

WPA No. 28447 of 2022

Goutam Roy Chowdhury
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Sk. Sahjahan Ali

.... for the petitioner

Mr. Kanak Kiran Bandyopadhyay

.... for the WBSEDCL

Learned counsel for the petitioner argues that despite the petitioner having applied for a new industrial electricity connection, the same has not yet been given by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) for reasons not known to the petitioner.

Learned counsel appearing for the WBSEDCL submits that there is a scarcity of transformers at present and several other similar applications for new industrial connections are pending due to lack of availability of transformers.

It is, thus, submitted that for such technical hindrance, the petitioner's connection could also not be given just as the others.

However, such excuse for refusing to give electricity connection to the petitioner, despite the

petitioner having applied for the same, is squarely violative of Section 43 of the Electricity Act, 2003, which casts a liability on the licensee, if applied for and other formalities are complied with, to give new electricity connection to an applicant.

The mere incompetence of the WBSEDCL in not being able to give connections to others, cannot be a logical basis for refusing the electricity connection to the petitioner. It is undoubtedly expected that all such applicants shall be catered to by the WBSEDCL as early as possible. However, since the rest of the applicants are not parties to the present writ petition, no direction is given regarding their applications. However, as far as the petitioner is concerned, since learned counsel for the WBSEDCL pleads inability of the WBSEDCL to install a new transformer for the purpose of giving connection to the petitioner at least till January, 2023, keeping such problem of the WBSEDCL in mind, WPA No. 28447 of 2022 is disposed of by directing the WBSEDCL, subject to compliance of formalities by the petitioner, to give the new electricity connection to the petitioner upon installation of the transformer and other appliances required, by January 31, 2023 positively.

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.)