

16th February,
2023
(AK)
05

W.P.A 1798 of 2023

Sri Mahadeb Ghosh and another
Vs.
State of West Bengal and others

Mr. Nandadulal Bandyopadhyay
Mr. Pritam Ghosh
...for the petitioners.

Mr. Srijan Nayak
Mrs. Rituparna Maitra
...for the WBSEDCL.

Learned counsel for the petitioners contend that pursuant to the direction of this court dated August 3, 2022 passed in WPA 16391 of 2022, two electricity connections were given to the multistoried building, where the petitioners are flat owners.

However, subsequently, without any notice to the petitioners, the said electricity supply was disconnected by the WBSEDCL. It is submitted that such act of disconnection was patently illegal.

Learned counsel appearing for the WBSEDCL submits that the connection had been given to the petitioners and the others at the premises erroneously, despite the part to be complied with by the consumer, as stipulated in the order dated August 3, 2022, having not been complied with on behalf of the petitioner in WPA 16391 of 2022, that is, the developer.

It transpires from the happenings as portrayed in the writ petition that the WBSEDCL has disconnected the electricity supply to the petitioners and another without giving any prior notice or disclosing any reason for so disconnecting.

Such disconnection is patently illegal.

Hence, the line has to be restored for now. However, in the event the duty cast on the developer/consumer to pay the outstanding dues is not complied with by the developer/consumers, it will be open to the WBSEDCL to take appropriate steps in that regard.

Accordingly, WPA 1798 of 2023 is disposed of by directing the WBSEDCL to restore the electricity supply of the petitioners immediately, latest by 24 hours from now, that is, by 11 a.m, on February 17, 2023.

However, it is made clear that such restoration of electricity connection is being directed due to the method in which the disconnection was effected without notice to the petitioners.

In the event the WBSEDCL has a grievance with regard to non-compliance of the order dated August 3, 2022 on the part of the developer/consumers, it will be open to the WBSEDCL to give a prior notice to the petitioners and other concerned consumers as well as the developer with regard to the default having been committed by them.

If so permitted in law, the WBSEDCL shall thereafter proceed to take penal action against the petitioners upon giving prior notice to the petitioners thereafter.

However, the WBSEDCL shall give ample time, preferably at least a fortnight, after such notice to the petitioners to comply with the requirement urged by the WBSEDCL.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)