

AD-24
Ct No.09
02.05.2023
TN

WPA No. 3805 of 2023

Jahar Kumar Pal and another
Vs.
West Bengal State Electricity Distributor Company
Ltd. and others

Mr. Ejaz Khan,
Mr. Prodip Kumar De,
Ms. Ananya Adhikary

.... for the petitioners

Ms. Sonal Sinha

.... for the WBSEDCL

Learned counsel for the petitioners alleges that the petitioners are in occupation of the premises-in-question as tenants of the same. In support of such contention, the petitioners place reliance on certain rent receipts annexed to the writ petition, some of which are in the name of the petitioner no.1 and some in the name of the petitioner no.2. It is argued that although the petitioner no.1 has been a tenant in the property with his mother since long, the petitioners are without electricity for a considerably long period.

As such, it is argued that the petitioners are entitled to electricity connection in their own names.

The petitioners have also sought disconnection of the existing electricity meter in the name of Amiya Kumar Pal, the private respondent, who is the brother

of the petitioner no.1 and one of the sons of the petitioner no.2.

It is argued by the petitioners that, as occupiers, they are entitled to independent electricity connection within the contemplation of Section 43 of the Electricity Act, 2003.

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL), by placing reliance on the rejoinder filed by the respondent nos.1 to 3, submits that on a joint inspection held in presence of the petitioners and the private respondent, it was found that there is a single electric service connection in the name of Amiya Kumar Pal, the private respondent, at the premises-in-question. Such service connection was effected on July 30, 2001. It is further revealed from the report that the abovementioned shop room is electrified.

Jahar Kumar Pal, the petitioner no.1, has applied for a new service connection in the same shop room, where Amiya Kumar Pal is already enjoying an existing connection.

As such, it is argued by the WBSEDCL that two service connections cannot be given in respect of the same shop room.

Upon hearing learned counsel for the parties and on perusal of the materials on record, it is clear

that although certain purported rent receipts have been annexed to the writ petition by the petitioners in their names, inasmuch as the existing electricity connection at the premises is concerned, the same is subsisting since long in the name of Amiya Kumar Pal, the private respondent.

The WBSEDCL has taken a specific stand that the said consumer has been regularly paying the electricity charges and sought a reconnection when his connection was erroneously severed by the WBSEDCL, apparently on an application filed by the said Amiya Kumar Pal.

As such, the present scenario is that Amiya Kumar Pal, as a valid consumer, is already enjoying a service connection and a meter in his own name at the premises-in-dispute since long. Since the petitioners are seeking to get a new electricity connection in respect of the same premises and the same shop room, the dispute raised in the present writ petition falls squarely within the domain of a private dispute, which is civil in nature.

In the event the petitioners have an axe to grind against the private respondent, it will be open for the petitioners to move the competent civil court seeking the reliefs as sought by them against the private respondent. In such proceeding, if so instituted, the

petitioners will be also at liberty to pray for appropriate orders for the purpose of enjoyment of basic amenities, including electricity.

However, inasmuch as the WBSEDCL, in the capacity of licensee, is concerned, it has been rightly submitted by the WBSEDCL that in view of the existing valid service connection at the shop room-in-question, a further similar connection cannot be technically feasible at the same premises. As such, no relief can be granted to the writ petitioners in the present writ petition.

Accordingly, WPA No. 3805 of 2023 is dismissed without any order as to costs.

It is, however, made clear that the respective rights and contentions of the petitioners and the private respondent with regard to the property-in-dispute have not been entered into on merits by this court and it will be open to both the parties to agitate all points before the appropriate civil court/forum, if so urged.

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.)