

22nd March,
2023
(AK)
04

W.P.A 4430 of 2023

Sourabh Sundar Shee
Vs.
West Bengal State Electricity Distribution Company
Limited (WBSEDCL) and others

Mr. Saibal Achriya
Mr. Subimal Ghorai

...for the petitioner.

Mr. Kanak Kiran Bandyopadhyay

...for the WBSEDCL.

Learned counsel for the WBSEDCL files a report in the form of an affidavit as per previous direction of court.

It transpires from the said report that upon an inspection, the WBSEDCL found that there are two other existing electricity connections at the premises.

One connection, given to the exact location where the petitioner is at present seeking a new connection, was seen to be disconnected.

It is, thus, apprehended by the WBSEDCL, as per their objection as annexed to the writ petition, that there may be a splitting up of load in the event another connection is given to the petitioner within the same boundary.

Learned counsel for the petitioner, however, places reliance on a registered deed of gift, a copy which is annexed to the writ petition.

It appears from the said deed of gift that the father of the petitioner, who is the sole owner of the entire property-in-question, gifted to the petitioner an exclusive demarcated portion of the property, thereby segregating such portion from the rest of the property.

Since the position of law is very clear that if the sole owner demarcates and transfers a particular portion of his property to a third party (in the present case, his son), the donee acquires separate right, title and interest in such demarcated portion.

As such, for the purpose of giving electricity connection, the connection to be given to the petitioner will be on an entirely separate footing than the rest of the connections in the entire building.

Hence, WPA No. 4430 of 2023 is disposed of by directing the WBSEDCL to raise appropriate quotation for the purpose of giving a new electricity connection to the petitioner at the premises which has been gifted to the petitioner, in terms of the gift deed annexed to the present writ petition, treating the said portion to be a separate demarcated property for all practical purposes.

Such quotation shall be raised within a week from date.

Thereafter, the petitioner will be at liberty to comply with all formalities required in law and upon compliance of such formalities, the WBSEDCL shall give a new electricity connection to the petitioner as per the petitioner's application within a fortnight after such compliance of formalities.

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.)