

ML-13
Ct No.09
31.03.2023
TN

WPA No. 4970 of 2023

Kalipada Shit
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Anjan Dutta,
Mr. Balaram Pandit

.... for the petitioner

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

.... for the WBSEDCL

Learned counsel for the petitioner contends that initially the electricity connection to the petitioner's premises was disconnected, despite the petitioner having deposited all outstanding dues standing in his name. Subsequently upon intimating the WBSEDCL personnel, the supply was restored. In the interregnum, it is contended, two days elapsed when the petitioner went without electricity.

As such, since the petitioner's right to life as assured under Article 21 of the Constitution of India was sought to be contravened by the WBSEDCL by depriving the petitioner of electricity unnecessarily for the said two days, the petitioner seeks compensation.

Such contentions are disputed by learned counsel for the WBSEDCL. Moreover, it transpires

from the annexures to the writ petition that there were complaints and counter-complaints between the petitioner and the WBSEDCL personnel. Although the petitioner alleges that the petitioner had complained first, it appears from the records that the complaint of the WBSEDCL with regard to the physical assault by the petitioner and his henchmen was registered first and thereafter, the petitioner's complaint was registered.

Apart from the nature of the dispute being criminal, it is in dispute as to why the disconnection was effected.

Although nothing is mentioned in the prayer portion of the body of the writ petition itself as regards quantum of compensation claimed, learned counsel for the petitioner has relied on the representation given by the petitioner annexed to the writ petition, according to which the petitioner claims an amount to the tune of Rs. 10 lakhs as compensation for being deprived of electricity for the said two days.

It is evident from the records that there are allegations and counter-allegations and the chance of the allegations of the petitioner being an afterthought cannot be ruled out altogether. Although no final adjudication can be arrived at on such score, since the matter is *sub judice* before the competent criminal

authority/court, it is evident that the exorbitant claim made for compensation by the petitioner is a fallout of the criminal dispute between the parties.

In any event, the amount claimed as compensation is grossly non-commensurate with the deprivation alleged to be suffered by the petitioner. Moreover, the petitioner's right to get electricity connection is not unfettered and is circumscribed by the law. Until and unless the criminal case pending between the parties is resolved, it cannot be ascertained as to whose fault it was for the petitioner not getting electricity connection, for whatever period.

Hence, the present writ petition, which does not even disclose any material basis for the quantification of compensation claimed, is patently frivolous and ought not to be allowed.

Accordingly, WPA No. 4970 of 2023 is dismissed without any order as to costs.

It is, however, made clear that nothing in this order shall preclude the petitioner from approaching any other competent authority, which is duly authorized by law to take up such disputes, with regard to the period of disconnection and the billing for the said period allegedly suffered by the petitioner, if at all. In the event any such proceeding is initiated by the petitioner, the same will be decided

independently by the concerned authority upon giving opportunity of hearing to all concerned.

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.)