

14th March,
2023
(AK)
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W.P.A 4983 of 2023

Haroon Abubacker Dhalech
Vs.
CESC Limited and others

Mr. Bidyut Kr. Halder
Mr. Indranil Hilder
Ms. Srabani Das
Ms. Neha Singh

...for the petitioner.

Mr. Suman Ghosh

...for the CESC Limited.

Mr. A. Rashid
Mr. S.K. Bhattacharyya
Mr. V. Paswan
Ms. Afrin

...for the respondent no.3.

Learned counsel for the petitioner submits that the petitioner is a landlord in respect of the premises where, due to non-payment of electricity bills by the deceased grandfather of the private respondent no.3, the electricity line standing in the name of the said deceased person was disconnected.

It is submitted that now the private respondent is seeking a new connection/restoration of connection without seeking a transfer of the electricity meter in his own name.

Learned counsel appearing for the private respondent contends that the private respondent's father, that is, the son of the deceased original consumer, has

already paid up the outstanding dues, which stand is supported by learned counsel for the CESC Limited.

Moreover, a new electricity connection has been applied for by the father of the present private respondent at the same premises.

It is, thus, submitted that there cannot be any impediment in giving such connection to the father of the private respondent.

However, since the landlord is putting up resistance to the CESC personnel in having access to the existing meter board position at the premises, such connection is not being given by the CESC Limited.

Learned counsel for the CESC Limited, in addition, submits that reconnection charges are required to be duly paid by the new applicant, that is, the father of the private respondent.

It is further contended that after the expiry of 180 days from the date of disconnection for non-payment of outstanding dues, the contract between the grandfather of the private respondent no.3 and the CESC Limited has since expired.

It transpires that the contract between the grandfather of the private respondent no.3, the erstwhile consumer (since deceased), and the CESC Ltd. has already expired as per the statute upon the expiry of 180 days from the date of disconnection on the ground of non-payment of outstanding dues.

However, although the CESC Limited is seeking to raise the question of payment of reconnection charges, no such occasion arises in the present case, since for all practical purposes, the contract of the licensee with the grandfather of the private respondent has already expired by operation of law and the father of the private respondent has applied for a new electricity connection in his name.

Since learned counsel for the CESC Limited has also raised an issue of refund of security deposit, the same is also required to be resolved between the CESC Limited and the new applicant.

However, none of the above considerations can be germane for the purpose of allowing the present writ petition at the instance of the landlord, who does not have any *locus standi* to prefer the instant writ petition.

It would be beyond the scope of the writ petition to pass any directions in favour of the new applicant, that is, the father of the private respondent no.3 as well as to decide on the issues pending between the CESC Limited and the said new applicant.

In view of the above observations, WPA 4983 of 2023 is dismissed.

However, it is made clear that nothing in this order shall preclude the new applicant, that is, the father of the private respondent no.3 from pursuing his application for new electricity connection and the CESC Limited,

upon compliance of due formalities, may give such connection in accordance with law.

It is further clarified that mere giving of such electricity connection shall not create any special right or equity in favour of the new applicant and it will be open to the present petitioner as well as the private respondent no.3 to raise all relevant questions, if required, before the appropriate forum without being influenced in any manner by any of the observations made herein.

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.)