

D/L. 6.
April 11, 2023.
MNS.

WPA No. 5295 of 2023

Haripada Haldar
Vs.
State of West Bengal and others

Mr. Pankaj Halder

... for the petitioner.

Mr. Mihir Kundu

...for the WBSEDCL.

Mr. Shahan Shah

...for the respondent nos. 6 & 7.

Affidavit-of-service filed in Court today be
kept on record.

Learned counsel for the West Bengal
State Electricity Distribution Company Limited
(WBSEDCL), by placing reliance on the
'Statement of Fact', annexed with the inspection
report, handed over on the last occasion by the
WBSEDCL, argues that, upon inspection, the
WBSEDCL personnel failed to detect any
instance of unauthorized use of electricity by the
private respondents.

Learned counsel appearing for the
petitioner submits that at the juncture when the
inspection was held, upon getting notice of the

litigation, the private respondents took adequate steps to remove proof of such unauthorized use of electricity.

However, despite the petitioner's request to the WBSEDCL personnel to seize the electrical devices being used by the private respondents to give electricity connection, the same was not done by the WBSEDCL.

Learned counsel for the private respondents points out that paragraph no. 4 of the writ petition has been affirmed as true to information received by the petitioner. As such, the said allegations cannot be placed reliance on, it is contended.

A perusal of paragraph no. 4 of the writ petition indicates that the petitioner has alleged regarding two accidents having been faced by the petitioner due to alleged unauthorized use of electricity by the private respondent no. 6 in giving connection to the private respondent no. 7.

However, in paragraph no. 3, allegations regarding unauthorized use of electricity by the respondent no. 7 have also been levelled, which are true to the knowledge of the petitioner.

Be that as it may, since the WBSEDCL itself, upon an inspection, has filed a report and

the written instructions clearly shows that no such instance of unauthorized use of electricity by the private respondent no. 7 was seen at the spot, nothing remains in the alleged cause of action of the writ petition.

Hence, WPA No. 5295 of 2023 is dismissed on contest without any order as to costs.

However, it is made clear that nothing in this order shall preclude the parties to the present writ petition to take appropriate recourse in law in the event any unauthorized use of electricity is detected in future.

Since no affidavits were invited from any of the respondents, it is deemed that the respondents have not admitted any of the allegations made in the writ petition.

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.)