

21<sup>st</sup> March,  
2023  
(AK)  
09

**W.P.A 6481 of 2023**

Madhumita Kabiraj and another  
Vs.  
West Bengal State Electricity Distribution Company  
Limited and another

Mr. Syamal Kr. Das  
Ms. Krishna Yadav

...for the petitioners.

Ms. Susmita Chatterjee

...for the WBSEDCL.

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

The present writ petition has been filed on the ground that an electricity connection standing in the name of the petitioners' predecessor-in-interest/father, who had expired on December 30, 2022, was disconnected allegedly on the ground that no consent of the owner/landlord and/or copy of any PAN Card was given by the petitioners.

It is submitted that the same could not be a valid consideration for disconnection of the electricity supply.

At best, the WBSEDCL could have considered transferring the name in the meter to that of the

petitioners, who are the heirs of his deceased erstwhile consumer.

Learned counsel appearing for the WBSEDCL submits that the original consumer had expired on December 30, 2022 and the disconnection was effected on February 15, 2023.

It is, thus, submitted that the line cannot be restored at the present juncture in the name of a deceased person.

Upon considering the annexures to the writ petition, it is evident that the sole ground of disconnection was not the demise of the erstwhile consumer but that apparently the petitioners had failed to produce any 'No Objection Certificate' from the owner of the property and/or any copy of PAN Card.

Since the electricity connection had been given and was being enjoyed full-fledged by the erstwhile consumer, that is, the father of the petitioners, it has to be deemed that such connection was valid and given in accordance with law by the WBSEDCL till the date of his demise. The non-production of a further copy of a PAN Card could not be a valid ground for sudden disconnection.

Upon such demise, the WBSEDCL cannot disconnect the said supply merely on the ground that fresh 'No Objection' has to be given from the owner, since it is well-settled that even an occupier, irrespective of the

legality of his occupation, is entitled to get an electricity connection in his name.

However, one impediment remains to the extent that the petitioners are required to make a transfer application in their name, since the erstwhile consumer has since died.

Yet, in view of the illegality committed by the WBSEDCL in the unlawful manner in which the electricity connection was severed on an erroneous ground in law, it is the incumbent duty of the WBSEDCL first to reconnect the supply and then require the petitioners to file a transfer application.

In such view of the matter, WPA 6481 of 2023 is allowed, thereby directing the WBSEDCL to restore the electricity connection standing in the name of the erstwhile consumer late Bijoy Kabiraj, within a week from date without insisting upon payment of any further reconnection charges by the petitioners.

Upon such restoration being affected, within a week thereafter, the petitioners shall apply for transfer of their names in respect of the electric meter.

On such application being made and due formalities being complied with by the petitioners in that regard, the WBSEDCL shall effect the due correction and transfer of name in their records.

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.)**