

20.04.2023
Item No.6
gd/ssd

MAT/491/2023
IA NO: CAN/1/2023, CAN/2/2023
SABITA BISWAS AND ORS.
VS
THE WEST BENGAL STATE ELECTRICITY
DISTRIBUTION COMPANY LTD. AND ORS.

Mr. Tanmoy Mukherjee
..for the Appellants.

Mr. Radhamohan Ray
..for WBSEDCL.

Mr. Debdutta Basu,
Mr. Sobhan Sen,
Mr. Souvik Sen
..for the Respondent Nos.2 and 4.

Re: CAN 1 of 2023

1. CAN 1 of 2023 has been filed by the appellants seeking condonation of delay of 18 days in filing this appeal.

2. Learned counsel for the appellants has referred to the explanation which has been furnished in the application and also has made submission in respect of the explanation for the delay.

3. We find that the delay in filing this appeal has been sufficiently explained and the appellants were prevented from filing the appeal within time on account of bona fide reason.

4. Hence, CAN 1 of 2023 is, accordingly, allowed. The delay in filing the appeal is condoned.

Re: MAT 491 of 2023

5. This intra court appeal by the writ petitioners is directed against the order dated 02.01.2023 in WPA 12588 of 2021. The writ petition was filed alleging that some private parties have damaged the electric line and a complaint in this regard was given to the 5th respondent and alleging that no action was taken, writ petition was filed.

6. The learned Single Bench had disposed of the writ petition by certain observations and granting liberty to the appellants to approach the competent Civil Court where litigations were pending against the appellants and to apply for appropriate orders for carrying out necessary repairs to the wiring installations inside the appellants' premises.

7. Before us the learned Advocate for the appellants puts forth a different case alleging that the electricity meter had been damaged by certain miscreants and that was the complaint lodged with the 5th respondent and the same has not been considered.

8. We find from the affidavit filed in support of the writ petition that no such averment has been made and the allegation is only with regard to the alleged damage to the electric line.

9. The report submitted by the 5th respondent before the learned Writ Court, shows that the electric line inside the premises of the appellants is not in good condition. If such is the fact situation, the appellants cannot claim that it should be granted electric supply when the electric installation inside their house does not meet the required standard.

10. In any event if there is a damage to the electric meter, it is a serious matter and meter being a property of the Board, it has to be ensured that there is no damage to the electric meter. Therefore, while not interfering with the observations or directions issued by the learned Single Bench, we direct the 5th respondent to conduct a surprise inspection of the premises just to ascertain whether any damage of the electric meter has been caused and if there is a damage, necessary action be initiated in accordance with the relevant regulations.

11. In all other aspects the order passed by the learned Single Bench is confirmed.

12. With the above direction, the appeal is disposed of..

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)