

D/L. 10.
April 24, 2023.
MNS.

WPA No. 9352 of 2023

Saikat Kumar Chatterjee
Vs.
State of West Bengal and others

Mr. Sabyasachi Bhattacharjee,
Ms. Barnali Pal

... for the petitioner.

Ms. Susmita Chatterjee

...for the WBSEDCL.

Mr. Susnigdho Bhattacharyya

...for the private respondent
nos. 8 and 9.

Written instructions filed by the Distribution
Licensee in Court today be kept on record.

The petitioner's grievance is that the
petitioner was expelled as a member of the
respondent/Co-operative Society. Subsequently,
the Co-operative Society disconnected the
electricity supply of the petitioner.

Thereafter, the petitioner applied for a new
electricity connection at the premises, of which
the petitioner is still in possession. However, no
such connection is being given by the West
Bengal State Electricity Distribution Company
Limited (WBSEDCL).

Learned counsel for the WBSEDCL submits that the connection at the premises is still live and, as such, no second new connection can be given to the petitioner at the same premises.

Learned counsel appearing for the Co-operative Society disputes the contentions of the petitioner and submits that the petitioner, as an expelled member, does not have any further right to enjoy of the electricity from the connection of the Co-operative Society. Moreover, there are outstanding dues against the petitioner claimed by the Co-operative Society, as reflected in the communication of the Co-operative Society dated July 24, 2022.

Be that as it may, even without going into the merits of the dispute between the petitioner and the Co-operative Society, it is observed that the issues which have arisen herein are entirely private disputes; hence, no writ petition lies against such alleged action of the Co-operative Society.

Since the petitioner submits that the petitioner has already lost before the Assistant Registrar of Co-operative Society in a dispute raised by the petitioner against the Co-operative Society and has subsequently preferred an

appeal, the papers of which have been lost from the Tribunal and subsequently the concerned Tribunal is not sitting, liberty is given to the petitioner to approach the appropriate writ court having determination with a writ petition, till the Tribunal does not have its regular sitting, with the same grievance as raised by the petitioner against the Co-operative Society.

However, in the light of the above observations, the present writ petition is not maintainable and, as such, the WPA No. 9352 of 2023 is dismissed as not maintainable with liberty to the petitioner to prefer a challenge against the order of the Assistant Registrar of Co-operative Society.

There will be no order as to costs.

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.)

