

D/L. 8.
June 27, 2023.
MNS.

WPA No. 14287 of 2023

Paramita Halder and another
Vs.
The State of West Bengal and others

Mr. Kumarjyoti Tewari,
Mr. Amrit Sinha,
Mr. Aniruddha Tewari

... for the petitioners.

Mr. Debjit Mukherjee

...for the WBSEDCL.

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal

...for the respondent nos. 7 and 8.

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

Learned counsel for the petitioners argues
that the petitioners have purchased the property-
in-dispute. Despite the erstwhile owner/vendor of
the petitioners having sought a disconnection of
the previous meter, which was standing in their
name, and having paid the disconnection
charges, it is alleged that the disconnection is not
being effected by the West Bengal State
Electricity Distribution Company Limited
(WBSEDCL).

It is further argued that the private respondents, being merely caretakers under the erstwhile owners, are continuing in occupation of the outhouse of the premises and have been illegally enjoying the electricity from the said meter of the erstwhile owner.

Learned counsel appearing for the WBSEDCL hands over a copy of written instructions. Placing reliance on the same, it is submitted that the disputed electricity supply has already been disconnected by the WBSEDCL.

It also transpires from the submission of the petitioners that a demolition order has been passed in respect of the building and the petitioners' attempt to reconstruct/make a fresh construction, is being foiled due to the existence of the prior electricity connection and meter till date.

Learned counsel appearing for the private respondents disputes such allegations and submits that the private respondents are valid tenants in respect of the property and, as such, have a right to occupy the property within the periphery of law.

Even without going into the issue as to the legal right or otherwise of the private respondents

to reside at the premises, admittedly the private respondents are still in occupation of at least a part of the premises and, thus, are entitled to have an electricity connection independently in their name.

Hence, in the event the private respondents apply for a fresh electricity connection in their own name, the WBSEDCL, upon holding an inspection in that regard, if found feasible, may give such connection to the private respondents, subject to compliance of all formalities by the private respondents.

However, in so far as the dispute in the present writ petition is concerned, the writ petitioners are justified in arguing that in view of the erstwhile owner having sought a disconnection, it is the incumbent duty of the WBSEDCL to effect such disconnection.

In any event, since the WBSEDCL itself has admitted during submission that the disconnection has already been effected, such disconnection shall continue.

It is clarified that in the event the private respondents seek an electricity connection and get the same, the same will be without prejudice to the rights and contentions of the parties and

not create any special right or equity, which is otherwise not available to the private respondents, in respect of their occupation of the premises.

Accordingly, WPA 14287 of 2023 is disposed of in the light of the above observations.

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.)