

AD-17
Ct No.09
19.07.2023
TN

WPA No. 16020 of 2023

Ganesh Chandra Bera
Vs.
The State of West Bengal and others

Mr. Manoranjan Jana,
Ms. Mitali Jana

.... for the petitioner

Mr. Moni Sankar Chattopadhyay

.... for the respondent
nos. 2, 3 & 4

Learned counsel for the petitioner submits that the petitioner is the landlord of the premises, of which the private respondents are tenants. Despite the previous disconnection of electricity supply to the private respondents, the private respondents have taken unauthorized connection of electricity from third persons, for which a representation was given by the petitioner. However, no steps have been taken thereon by the West Bengal State Electricity Distribution Company Limited (WBSEDCL).

Learned counsel for the WBSEDCL submits that the respondents are a Society, the members of which are shop owners in a market.

It is seen that the respondent no. 7 is a Samity, represented by its Secretary, which pertains to the concerned market.

It is contended by the licensee, WBSEDCL, that the licensee has not given any unauthorized electricity connection to anybody.

However, upon previous complaints of the landlord of the private respondents, the WBSEDCL has disconnected electricity on some occasions.

It is further argued that the present petitioner is not the landlord at whose behest the previous disconnection was effected.

Learned counsel for the WBSEDCL further submits that the WBSEDCL is not responsible for any unauthorized use of electricity as per the allegation of the petitioner.

Insofar as the allegations *inter se* between the landlord and tenants are concerned, the writ court cannot go into the merits of the same and it will be open to the landlord/tenants to approach the appropriate forum for resolution of such disputes.

However, since the petitioner has lodged a complaint with the WBSEDCL regarding unauthorized use of electricity, it is the duty of the WBSEDCL, as a Distribution Licensee, at least to enquire into the said complaint and take steps.

Accordingly, WPA No. 16020 of 2023 is disposed of by directing the WBSEDCL to consider the complaint lodged by the petitioner, which is annexed

at page-21 of the writ petition, and to take appropriate steps thereon. The outcome of the enquiry by the WBSEDCL in that regard shall be communicated to the petitioner within a fortnight from date. If the WBSEDCL, upon such enquiry, is of the opinion that any unauthorized electricity connection has been taken, the WBSEDCL shall take steps accordingly in due process of law in that respect.

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.)