

AD-08
Ct No.09
21.08.2023
TN

WPA No. 18141 of 2023

Motiur Rahaman Laskar
Vs.
West Bengal State Electricity Distribution Co. Ltd.
and others

Mr. Soumyajit Ghosal,
Mr. Sk. Jafar,
Ms. Trisha Dutta

.... for the petitioner

Mr. Debanjan Mukherji

.... for the WBSEDCL

Mr. Md. Jalaluddin

.... for the private respondent

Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) files a report as per previous direction. It is submitted by learned counsel for the WBSEDCL, on the strength of such report, that there are several temporarily disconnected electricity supply lines at the premises-in-question.

By placing specific reliance on serial no. 1 in a chart given at paragraph no. 4 of the said report, it is submitted that meter no. 525716, standing in the name of the private respondent, who is the father of the petitioner and the absolute owner of the property, stood temporarily disconnected on May 04, 2023. It is

submitted that since the petitioner seeks electricity supply at the same locale, in view of the existence of the previous meter, such connection could not be given.

Learned counsel for the private respondent submits that he, despite being the absolute owner of the premises, was forcefully evicted by the writ petitioner, about two years back.

Heard learned counsel for the parties.

The petitioner's grievance is that the petitioner has not been given a new electricity connection by the WBSEDCL despite having applied for the same.

Even as per the submission of learned counsel for the WBSEDCL, the law prescribes that a disconnection, after the lapse of 180 days thereafter, becomes permanent and it is deemed that the contract between the consumer and the licensee stands terminated. Applying the same proposition in the present case, the temporary disconnection effected at the behest of the private respondent on May 04, 2023 has, by now, reached the terminus of 180 days and, as such, the previous contract between the licensee and the private respondent has expired.

In such view of the matter, there cannot be any impediment to the petitioner getting a new electricity connection at the same premises, since the petitioner

is admittedly in occupation of the property, although the legality of such possession is disputed by the private respondent.

The remedy of the private respondent lies in an eviction suit filed before an appropriate forum/court. On query of court, it is submitted by the private respondent that no steps have been taken for eviction of the petitioner or restoration of possession of the private respondent till date. Hence, the private respondent, in an oblique manner, cannot curtail the right of the petitioner conferred under Section 43 of the Electricity Act, 2003.

Accordingly, WPA No. 18141 of 2023 is allowed, thereby directing the WBSEDCL to give a new electricity connection to the petitioner at the premises-in-question within a fortnight from the date of compliance of all formalities by the petitioner.

The WBSEDCL shall, within forty-eight hours, give an offer to the petitioner, indicating the estimated amount to be paid by the petitioner. Upon such offer being raised, the petitioner shall comply with the formalities at the earliest thereafter and the connection shall be given to the petitioner within the time-frame as indicated above.

In the event any obstruction is raised from any quarter to the WBSEDCL in giving such connection, it

will be open to the WBSEDCL to approach the nearest police station, upon which police assistance shall be given to the WBSEDCL at the cost of the petitioner by acting on a server copy of this order.

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.)