

08 04.05.2023
RP Ct. No. 01
AN

MAT 1341 of 2022
with

IA No. CAN 1 of 2022

Sri Ajit Kumar Bera

Vs.

The West Bengal State Electricity Distribution Company Limited
& Ors.

Mr. Siddhartha Sarkar

... For the appellant

Ms. Suvasree Ghosh

... For the WBSEDCL

1. This intra-Court appeal is directed against the order dated 19.05.2022 passed in WPA 7105 of 2022. The said writ petition was filed by the appellant praying for a direction upon the respondents to give new service connection less than 50 KVA to the appellant in respect of a land of his father situated under Mouza- Chak Hiramoni, JL No. 70, Khatian No. 100, Dag No. 101, Police Station- Debra, District- Paschim Medinipur. The connection sought for is for an industrial purpose to run an atta mill and a paddy husking mill. The respondent appeared before the learned writ Court and submitted that there is a final assessment order passed on the brother and the father of the appellant for theft of energy and such final assessment has not been complied with nor appealed against and, therefore, electricity service connection cannot be granted to the appellant. The learned Single Bench disposed of the writ petition by directing the appellant to challenge the final assessment, which was made in the name of the appellant's

brother, one Sujit Kumar Bera. Learned counsel for the appellant would contend that the premises for which the electricity connection was sought for by the appellant is different and it is situated 5 K.M. away from the premises wherein theft of energy was detected which is in the possession of the appellant's brother. In this regard, learned counsel for the appellant has drawn our attention to the trade license dated 28th November, 2021 and also other documents by which the appellant claims title to the property. However, we find that the prayer in the writ petition states that the property in question is the property of the appellant's father. If such is the case then until and unless the final assessment made by the authority on the ground of theft of energy is successfully challenged, the appellant would not be entitled for a separate electricity connection.

2. Learned counsel for the appellant submits that it is a mistake and the property in question is not the appellant's father's property but the appellant's property. If the said submission is correct the respondent cannot refuse to grant new electricity service connection for the appellant as the theft of energy was in respect of a different property for a different service connection which is presently standing in the name of the appellant's brother.

3. Hence, we **dispose of** this appeal by directing the appellant to appear before the concerned authority of the respondent and produce all the documents proving his title in respect of the property in question stating that the

property is in no manner concerned with the appellant's father or his brother. The concerned authority shall examine those documents and conduct a physical inspection of the property in question and if it is found that property is owned by the appellant and appellant's father and brother have no action in the said property then the prayer for grant of service connection, shall be considered in accordance with relevant Act. The appellant shall produce all the documents concerning the title of the property in question within a period of 10 days from the date of receipt of the server copy of this order after which the concerned authority of the respondent shall comply with the above directions within a period of two weeks thereafter.

4. Consequently, the connected application also stands disposed of.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)