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02.01.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 28528 of 2022

Abul Hosen
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. M. Kalra,
Mr. Farhan Ghaffar,,
Ms. S. Yasmin
... for the petitioner

Ms. Suvasree Ghose
... for the WBSEDCL

Learned counsel appearing for the petitioner contends that when the petitioner sought for a new electricity connection, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) refused to give such connection on the premise that there is an existing connection against the same consumer ID/ meter number, as disclosed in the objection. That apart, it was alleged that there were outstanding dues amounting to Rs.55,101/- and Rs.80,896/-.

Learned counsel appearing for the petitioner argues that the petitioner is residing in a property separate from that of his father, in respect of which outstanding due has been alleged. As such, it is contended, there is no nexus whatsoever between the said outstanding dues and the petitioner.

Learned counsel appearing for the WBSEDCL submits, on instruction, that the petitioner's brother as well as father have left outstanding dues for user of their own electricity supply.

Moreover, it is contended on instruction that the property, where the petitioner resides and the electricity connection has been sought, is identical and same as the property regarding which outstanding dues were left.

In view of such objection having been taken by the WBSEDCL, the writ court cannot resolve the factual dispute, for which preliminary assessment of materials is required. Inasmuch as the identity of the property is concerned, which might give rise to a nexus between the petitioner and the outstanding dues of his brother and father, it is appropriate for the competent authority to decide such issue on the basis of materials produced by the parties and upon giving hearing to all concerned.

Accordingly, W.P.A. No. 28528 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned Grievance Redressal Officer with the issues as raised in the present writ petition.

If so approached, the Grievance Redressal Officer shall give an opportunity of hearing to the petitioner as well as to the alleged defaulters and the WBSEDCL for

the purpose of deciding the issues finally and resolving the dispute raised by the petitioner.

It is expected that the Grievance Redressal Officer concerned shall decide the issue in accordance with law as expeditiously as possible, positively within six weeks from the date of such reference being made by the petitioner.

All parties shall act on the server copy of this order without insisting upon prior production of a certified copy thereof for the purpose of compliance.

It is made clear that this court has not gone into the merits of the disputes raised in the writ petition.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)