

D/L.8.
March 11, 2024.
MNS.

WPA No. 7436 of 2023

Balai Singh
Vs.
The State of West Bengal and others

Mr. Subrata Bhattacharyya

... for the petitioner.

Mr. Rajarshi Basu,
Mr. K. M. Hossain

...for the State.

1. Learned counsel for the petitioner submits that by virtue of an order dated February 2, 2022 passed in WPA 1244 of 2022, the petitioner was granted liberty to file an application for reconnection of an electricity supply in the petitioner's name.
2. If such application was filed, subject to compliance of due formalities, including the submission of a SWID certificate and payment of all dues, the Distribution Licensee was directed to give reconnection to the petitioner to his submersible pump.
3. It is submitted that despite the petitioner being otherwise ready to comply, the SWID certificate has not been given to the petitioner as yet.
4. When the petitioner approached the respondent authorities, the petitioner was

given to understand that the matter was put up to the District Level Ground Water Resources Development Authority for disposal during its next meeting. However, the said communication, having been made on April 5, 2022, has not yet seen its culmination.

5. Learned counsel for the State submits that the petitioner has applied for reconnection of an electricity supply which is standing in the name of a dead person.
6. Hence, it is argued that the SWID certificate cannot be issued in the name of such deceased person in whose name the consumer number stands.
7. Such argument cannot be accepted for two reasons. First, by the order dated February 2, 2022, the petitioner was granted specific liberty to apply for reconnection in his own name, by taking into account that the electricity connection originally stood in the name of the petitioner's grandfather.
8. More importantly, the contention that a SWID certificate is related to a particular consumer number is also not tenable in the eye of law, since even for making an application for a new electricity connection, before a consumer number is allotted, a SWID certificate can be

applied for and can be granted in the name of the applicant.

9. Thus, there is a misconception on the part of the respondent authorities inasmuch as a SWID certificate is actually given in respect of a particular person, in respect of a particular location and not merely in respect of a particular consumer number.

10. In such view of the matter, since the application of the petitioner for SWID certificate has already been entertained and the respondent authorities have themselves placed the matter before the District Level Ground Water Resources Development Authorities, at this juncture the respondent authorities cannot resile from such position and refuse to grant a SWID certificate.

11. Accordingly, WPA No.7436 of 2023 is allowed on contest, thereby directing the respondent no. 5, that is, Geologist, Sub Division No. 11C, Water Resources & Development Department, Government of West Bengal, to issue a SWID certificate to the petitioner within a fortnight from date, subject to being satisfied with compliance of all formalities.

12. The parties shall act on the server copy of this order for the purpose of compliance.

13. There will be no order as to costs.

14. 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.)