

S/L 20
16.07.2024
Court. No. 9
Sourav

WPA 11107 of 2024
Borjo Kumar Charity Trust & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Gopal Pahari
Ms. Piyali Kulani

...for the petitioner.

Mr. Sujit Sankar Koley

...for DPL.

Mr. Dr. Mudhusudan Saha Roy

...for WBSEDCL.

Mr. Srijib Chakraborty
Mr. Aditya Mondal
Ms. Oindrila Ghosal

...for the respondent no. 7.

Mr. Debojit Banerjee
Ms. Soma Chakraborty

...for the State.

1. Two trusts represented by the Managing Trustee have preferred this writ petition praying for disconnection of the commercial electric supply granted to the respondent no. 7. The petitioner contends that the respondent no. 7 is in illegal occupation of the premises in question and the said respondent cannot be allowed to enjoy electricity.
2. Referring to an affidavit filed by the respondent no. 7, it is submitted that the respondent had undertaken before the authority that in the event of any objection by the Government, land department or any individual, the supply shall be discontinued.
3. Learned advocate for the DPL submits that initially DPL had granted the connection. Later, such connections were transferred to the WBSEDCL.

4. The WBSEDCL is now the service provider. It is submitted by Dr. Saha Roy that the disconnection cannot be effected as the respondent no. 7 is a consumer and has been paying consumption charges regularly.
5. The law is well-settled. If a proposed consumer is found to be in occupation of any premises, connection is to be effected to the proposed consumer. Failure to grant such connection leads to imposition of cost on the distribution company. The occupation of the proposed consumer/consumer does not have to be a legal one. A civil suit is pending between the parties, which indicates that the respondent No.7 is in occupation of the premises.
6. The supply line enjoyed by the respondent no. 7 shall be subject to the result of the civil suit. Till such time, the respondent no. 7 is in occupation of the property, disconnection cannot be effected.
7. Accordingly, the writ petition is dismissed.
8. As the writ petition is dismissed without any orders in favour of the petitioner, the question of maintainability of the writ petition by the Managing Trustee is not gone into.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)