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15.05.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13223 of 2024

Suhita Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee,
Mr. Arnab Sinha,
Mr. Amartya Basu
...for the petitioner

Ms. Jayeeta Sinha,
Mr. Ranjit Rajak
...for the State

Ms. Susmita Chatterjee
...for the WBSEDCL

1. Affidavit of service filed today be kept on record.
2. The petitioner is one of the co-sharers of the deceased original consumer, in whose name the electricity meter is standing in the premises-in-question. There are several other co-sharers against whom a partition suit at the behest of the petitioner is now pending, although there is no injunction order in the same restraining the parties from taking electricity connection.
3. The predicament of the petitioner, as brought forth before the Court by Mr. Amartya Basu, learned advocate appearing for the petitioner led by his senior, is that the petitioner seeks transfer of the electricity meter of her deceased father in her

name, whereas unless the other co-sharers are joined as parties to the said application, under normal circumstances, a transfer cannot be given to one of the heirs.

4. Such predicament cannot be resolved in due course. However, the only solution to ensure that the residents of the premises are not deprived of electricity connection, but, at the same time, the electricity connection need not continue in the name of a deceased person, is that separate and individual applications be permitted to be made by the co-owners for getting electricity connection at the premises.

5. Accordingly, W.P.A. No. 13223 of 2024 is disposed of by directing the WBSEDCL to disconnect the electricity supply existing at the premises in the name of the deceased person after and subject to electricity connection being given to the petitioner, upon the petitioner making an application to that effect for getting an independent connection and complying with all formalities.

6. The petitioner shall make an application for independent electricity connection at the premises in her name and an offer letter shall be issued to her by the WBSEDCL.

7. Upon compliance of formalities by the petitioner, an electricity connection shall be given to the petitioner in her own name simultaneously

with the disconnection of the previous electricity supply standing in the name of the deceased original consumer.

8. However, the above connection shall be given to the petitioner only upon prior notice being given to the other residents of the premises as to such proposed disconnection pursuant to the order of this court in order to enable the said residents to apply for individual electricity connection in their names.

9. If such applications are made, although the building is structurally the same, separate metered connections shall be given by the WBSEDCL to such residents, subject to applications being made by them and compliance of all formalities by the said residents.

10. The above order is being passed in view of the fact that there is obvious acrimony between the co-owners in view of the pendency of the partition suit, which cannot conceive of a situation where all the co-owners join together for getting a transfer in their names.

11. There will be no order as to costs.

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties subject to compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)