

19.08.2024
Sl. No.53(DL)
srm

W.P.A. No. 14784 of 2024
Chaitali Gupta
Versus
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee,
Mr. Vishal Mallick
...for the Petitioner.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra
...for the WBSEDCL.

Mr. Mrinal Kanti Ghosh,
Mr. Chandra Nath Sarkar
...for the Respondent No.4.

It appears that a matrimonial dispute has given rise to disconnection of electricity which was catering to the requirement of the persons residing in the first floor of the premises. Records reveal that the petitioner and her son were residing in the premises in question. The respondent No.4 (husband) is the owner of the house.

The learned Advocate for the petitioner submits that the husband had disconnected the supply of electricity. The petitioner was enjoying electricity through the meter which stood in the name of the husband. The petitioner submits that new connection should be granted in her favour.

Learned Advocate for the respondent No.4 submits that the wife and the son have ousted the husband/respondent No.4 from the premises and he is not in a position to enjoy his own property.

Learned Advocate for the West Bengal State Electricity Distribution Company Limited submits that on the request of the husband, the supply line from the meter which was being enjoyed by the petitioner had been disconnected and there is an outstanding due.

Under such circumstances, if the petitioner and her son are residing in the said house, they are entitled to enjoy the electricity irrespective of whether the respondent No.4 is the owner or not. Given the factual background, the Court cannot repose any faith that the respondent No.4 will continue to supply uninterrupted supply of electricity to his wife with whom he has a matrimonial dispute.

Under such circumstances, new connection shall be granted to the petitioner from the common meter board position, upon the petitioner complying with all other formalities and upon paying the outstanding dues.

Needless to mention, any other formality to be fulfilled by the petitioner, including filing of a proper application in the prescribed form, shall also be done.

The husband shall be entitled to reside in the ground floor without any disturbance from the petitioner and he shall not create any obstruction when the Distribution Company grants connection to the petitioner. The petitioner will not claim any equity. The connection will not create any additional right in her favour to reside in the premises. The said connection will be subject to any order of a civil or criminal court on the marital dispute between the parties.

The entire exercise shall be completed within a period of two months from the petitioner complying with all necessary formalities.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)