

ML 153
13.08.2024
Court. No. 9
GB

W.P.A. 15782 of 2024

Subal Chandra Halder
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Rachit Lakhmani

...for the Petitioner.

Mr. Debjit Mukherjee

...for the WBSEDCL.

Mr. Arindam Chattoapdhyay

...for the State.

Mr. Golam Karim Chaudhury

...for the Respondent No.7.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The petitioner wants to sever his contract with the West Bengal State Electricity Distribution Company in respect of the connection granted at a particular shop room at R.S. Dag No.61 of Mouza – Kalikapur.
3. The West Bengal State Electricity Distribution Company submits that on two occasions the distribution company visited the premises but the respondent no.7 was absent. The property is now in the possession of the respondent no.7.
4. The petitioner submits that the respondent nos.8 and 9 are the owners of the property in question. The petitioner has transferred the property to them. The respondent no.7 was occupying the premises illegally. It is admitted that the respondent no.7 is still continuing in possession.

5. The learned advocate for the respondent no.7 submits that the connection is essential for running his business. An occupier is entitled to electricity. He claims to be a tenant.
6. This Court finds that if the petitioner wants to disconnect the supply and remove the meter which was installed in his name and at his request, the respondents cannot prevent him from doing so. The West Bengal State Electricity Distribution Company is required by law to disconnect the supply on the petitioner's request upon the petitioner complying with any formality required. The question which arises now, is how the respondent no.7 will run the shop room till his status is adjudicated by any competent civil court.
7. Thus, the respondent no.7 shall apply for grant of new connection within a period of four days from date. The authority shall grant new connection to the respondent no.7, upon the respondent no.7 complying with all formalities within a period of one month from compliance of all formalities by the petitioner. The authority shall remove the meter and disconnect the supply which is in the name of the petitioner within a period of two months from date of communication of this order.
8. If any connection is granted to the respondent no.7, the same shall not create any equity in his favour and

shall be subject to the result of any civil litigation or decree of civil court.

9. If necessary, police assistance shall be sought for at the cost of the petitioner.

10. Accordingly, the writ petition is disposed of.

11. However, there will be no order as to costs.

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

(Shampa Sarkar, J.)