

Item No.14
09.09.2024
Court. No. 9
GB

W.P.A. 17666 of 2024

Partha Sarathi Biswas
Vs.
West Bengal State Electricity Distribution
Company Limited & Anr.

Ms. Labanyasree Sinha

...for the Petitioner.

Ms. Susmita Chatterjee

...for the WBSEDCL.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The respondent no.2 has refused service. Refusal is good service. Hence, the matter is taken up.
3. The petitioner claims to be a co-lessee along with the respondent no.2 in respect of the premises situated at B-17/25 Kalyani, by virtue of grant of probate by the learned District Delegate. The petitioner refers to a communication from the Estate Manager, Kalyani with regard to the grant of leasehold right in favour of the petitioner in respect of the said property. The parents of the petitioner and the respondent no.2, left behind the Will, desiring that their sons would enjoy the property. The Will was accordingly probated.
4. The petitioner contends that there was a common meter from which both the parties were enjoying electricity. The respondent no.2 got the said connection, disconnected. The petitioner prays for a new supply. The West Bengal State Electricity

Distribution Company Limited caused an inspection and served a demand, which was allegedly deposited by the petitioner.

5. The records reveal that the petitioner has a share in the property. In any event, the extent of share, etc., are not matters to be decided in this writ petition. The Will has since been probated and the distribution company found that the petitioner was entitled to electricity and hence, issued the quotation.
6. Under such circumstances, the respondent no.2 as co-lessee of the property cannot object to grant of connection to the petitioner. Thus, the West Bengal State Electricity Distribution Company will supply electricity to the petitioner from the same meter board position where the earlier meter had been installed. Such connection shall be subject to any other litigation that may be initiated against the petitioner by the respondent no.2, or any other orders of a civil court. The connection shall not create any equity. The West Bengal State Electricity Distribution Company will be granted police assistance at the cost of the petitioner.
7. It is made clear that none can object to grant of electricity, except in cases of statutory violations or encroachment. In this case, the records clearly reveal that the petitioner has a right to enjoy the property.

8. The entire exercise shall be completed within a period of three months from the date of communication of this order.
9. Accordingly, the writ petition is disposed of.
10. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)