

10.09.2024
Sl. No.103(ML)
srm

W.P.A. No. 18702 of 2024

Biswanath Talukdar

Versus

**West Bengal State Electricity Distribution
Company Limited & Ors.**

Mr. Debashis Banerjee,
Mr. Rakesh Jana
...for the Petitioner.

Mr. Ranjan Saha,
Ms. Molly Saha
...for the State-respondents.

Mr. Debjit Mukherjee
...for the WBSEDCL.

Ms. S. Poddar
...for the Respondent Nos.6 & 7.

Affidavit-of-service is taken on record.

The writ petition has been filed alleging inaction on the part of the distribution company in granting supply to the petitioner. It is submitted that the mother and the brother of the petitioner, who are the respondent Nos.6 and 7, have been continuously resisting the distribution company from granting supply to the petitioner.

It appears that the connection in the name of Amal Talukdar, *i.e.* the respondent No.6, was lying disconnected due to non-payment of outstanding bill.

Learned Advocate for the respondent Nos.6 and 7 vehemently opposes grant of connection to the petitioner on the ground that a partition suit is pending between the parties and the area now enjoyed by the petitioner may not be allotted to the petitioner in the final decree.

By filing the partition suit, the respondent Nos.6 and 7 have admitted the petitioner to be a co-sharer. The parties may be enjoying their respective areas. Such possession is subject to the final decree. Thus, until the final decree is passed, the petitioner cannot be expected to be in the dark.

Under such circumstances, connection shall be granted to the petitioner by way of a separate meter, by loop meter connection, from the same meter board position from which the respondent Nos.6 and 7 were enjoying electricity. The outstanding due of Rs.6,340/- shall be paid by the petitioner. The petitioner shall be supplied with connection within a month from the date of compliance of necessary formalities, if any.

The connection shall not create any equity in favour of the petitioner. The connection shall be subject to the final result of the partition suit.

It is not expected that the mother and the brother of the petitioner will physically resist the authority, but if there is

any resistance, the authority will be entitled to take police protection at the cost of the petitioner.

This order will not affect the other criminal and civil proceedings pending between the parties.

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.)