

Item No.9
19.08.2024
Court. No. 9
GB

W.P.A. 19127 of 2024

Sulata Ghosh

Vs.

The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Gobinda Ch. Baidya,
Ms. Kamalika Tarafdar

...for the Petitioner.

Dr. Madhusudan Saha Roy

...for the WBSEDCL.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The writ petition is disposed of directing the Divisional Manager, Garia Division to treat the writ petition as a representation of the petitioner and pass necessary orders.
3. The authority will decide the issue. The owner of the premises had reconstructed the house with small shop rooms and had parted with possession of the said shop rooms, after connection was granted to him. Whether the subsequent purchaser would have to apply in Procedure-B, is the issue. Procedure-B deals with the procedure for effecting service connection of low and medium voltage, for construction purpose and/or for common services in housing/commercial complex.
4. This is a double storeyed building owned by a particular person who has sold a shop to the petitioner. The owner had been granted electricity. At

this juncture whether Procedure-B would be applicable is the moot question.

5. Under such circumstances, the applicability of the regulation is required to be decided on the provisions of the regulation itself and on the facts of the case. The owner of the premises has already been granted service connection. It is also alleged that other shop owners had been granted service connection. Only the petitioner has been singled out.
6. The distribution company submits that in view of the common areas available, the application has to be made in Procedure-B.
7. The learned advocate for the petitioner submits that the petitioner does not have claim with regard to the usage of any common areas. He just wants a commercial connection to his shop like the other shop owners.
8. Under such circumstances, this issue is to be resolved by the Divisional Manager, Garia Division, upon hearing the petitioner, the owner of the house and the other persons who have been granted connection. A reasoned order shall be passed and communicated.
9. The entire exercise shall be completed within a period of two months from the date of communication of this order.
10. Accordingly, the writ petition is disposed of.

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

(Shampa Sarkar, J.)