

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

19. 11. 2024

BP
Sl. 11
Court No. 14

WPA 19136 of 2024

Kaustav Majumder
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Indrajit Biswas
Mr. Ananda Gopal Maity
Mr. Arijit Gupta
..for the petitioner

Mr. S.S. Koley
..for WBSEDCL

1. Affidavit of service filed by the petitioner is taken on record.
2. The copy of the writ petition was sought to be served upon one Abhishek Pramanik who was directed to be impleaded as party respondent in the writ petition as he objected to the change of ownership of the electric meter standing in his name in favour of the petitioner herein.
3. Affidavit of service contains the track report by the postal authority mentioning that the item sought to be served has returned as the addressee left without instructions.
4. The petitioner claims to be the purchaser of a flat which was earlier occupied by the said Abhishek Pramanik. The petitioner has annexed the deed of transfer

dated 18th January, 2023. He seeks electric connection.

5. WBSEDCL authority could not process the application filed by the petitioner because of the objection raised by the said Abhishek Pramanik. It appears from the documents annexed to the writ petition that a suit was filed against the said Abhishek Pramanik by one Dipak Chandra Kar, the vendor of the petitioner. The said suit being Title Suit No. 116 of 2020 stood dismissed for default on 18th April, 2024. The order of the learned Civil Judge (Senior Division), 2nd Court, Barasat records that the suit is for eviction of licensee and for recovery of possession. The plaintiff has been absent without steps since 18th April, 2023. The Court records that the demeanor of the plaintiff implies that he is not interested to proceed with the case against the defendant.

6. It appears from the submission made on behalf of the petitioner that the electric meter standing in the name of Abhishek Pramanik caters to the flat currently occupied by the petitioner after purchase from the plaintiff of the eviction suit. The same makes it clear that Abhishek Pramanik is no longer in possession of the place where electricity was supplied from the subject meter.

7. Accordingly, there ought not to be any impediment on the part of WBSEDCL to provide electric connection in favour of the petitioner.

8. The electric meter standing in the name of Abhishek Pramanik has already been disconnected in the month of July, 2024 due to non-payment of electricity bills.

9. As there is no document from the side of Abhishek Pramanik to prove his possession in the subject flat, accordingly, the Court thinks it fit to direct the Distribution Company Limited personnel to cause a spot inspection to ascertain possession. If it is found that the petitioner is in possession of the subject flat, then the Distribution Company Limited shall take steps to supply electricity to the petitioner.

10. It will be open for the petitioner to apply for obtaining new electric connection in the said flat. In the event an application is made by the petitioner, the same shall be processed by the authority expeditiously in accordance with law.

11. The writ petition stands disposed of.

12. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)

