

20.03.2024
Item No.4
gd/ssd

MAT/1525/2023
IA NO: CAN/1/2023
JAFAR ALI SEKH
VS
THE CHAIRMAN, WEST BENGAL STATE ELECTRICITY
DISTRIBUTION CO. LTD. AND ORS.

Mr. Khairul Alam
..for the Appellant.

Mr. Debanjan Mukherjee,
Mr. Ajij Amin
..for WBSEDCL.

Ms. Subhasri Chatterjee
..for the Respondent No.4.

1. This intra court appeal by the appellant is directed against the order dated 17.04.2022. By the said order the writ petition was disposed of with certain directions.

2. The issue is whether the appellant can claim re-connection of the disconnected electricity connection and also to consider his prayer for shifting.

3. It is not in dispute that the submersible 3-phase connection granted to the appellant was disconnected continuously for more than a period of 180 days. If that be so, in terms of Regulation 4.6.1 of the WBERC Regulation No.55 “the agreement of the licensee with the consumer for supply of electricity shall be deemed to have been terminated with consequential effect on expiry of the period of 180 days”.

4. Thus, by operation of such Regulation the electricity 3-phase connection granted to the appellant stood terminated.

5. Considering the representation made by the appellant and in terms of the directions issued in WPA 7133 of 2023, the respondent/Distribution Company had informed the appellant by communication dated 10.04.2023 to comply with certain formalities and apply for a fresh connection. This communication was not impugned in the writ petition and the prayer was to direct the Distribution Company to accept the amount of Rs.1,58,422/- and effect shifting of the electricity connection.

6. According to the appellant, the quotation has been drawn by the Distribution Company and the appellant was ready and willing to pay the said amount.

7. As could be seen from page 44 of the stay petition the amount of Rs.1,58,422/- was arrived at being the total cost for the purpose of erection of 11 poles and stringing of the line.

8. However, this is not a communication given to the appellant but it is a note-sheet drawn by the Assistant Engineer and Station Manager.

9. Therefore, no right accrues to the appellant on account of such internal communication more

particularly when the same was not communicated to the appellant calling upon him to deposit the amount.

10. Thus, we are of the view that the learned Single Bench was fully justified in disposing of the writ petition granting liberty to submit SWID certificate for getting new electricity service connection from WBSEDCL and, therefore, the order impugned does not call for any interference.

11. The appellant apprehends that the issuance of certificate will be unduly delayed.

12. The authority which is competent to issue the certificate is not a party to the present proceedings and, therefore, no positive direction can be granted except the observation that the concerned authority who is the competent authority for issuing the certificate in terms of the West Bengal Ground Water Resources (Management, Control & Regulation) Act, 2005 shall accept the application given by the appellant and process the same expeditiously for grant of certificate preferably within a period of four weeks from the date on which the application is made before the said authority.

13. With the above observation, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)