

Item No.17
09.09.2024
Court. No. 9
GB

W.P.A. 21867 of 2024

Shyamsundar Mukherjee
Vs.
The State of West Bengal & Ors.

*Mr. Amitabha Ghosh,
Ms. Nabanita Chatterjee,
Ms. Arpita Dhar*

...for the Petitioner.

*Mr. Srijan Nayak,
Mrs. Rituparna Maitra*

...for the WBSEDCL.

Ms. Sharmila Datta Das

...for the State.

Affidavit-of-service filed in Court today, is taken on record. None appears for the respondent No.7

The West Bengal State Electricity Distribution Company Limited disconnected the supply of the petitioner as they could not access to the meter board position. It is submitted that the petitioner's wife is suffering from serious ailments and she requires constant medical support at home.

There is a dispute between the petitioner and the respondent no.7. The respondent no.7 has refused service. The postal envelope bearing the endorsement 'refused' is filed before the Court. Refusal is good service. Hence, the matter is taken up in her absence.

Mr. Nayak, learned advocate for the distribution company submits that the disconnection took place because the meter readings could not be taken for a long period. No inspection could be made for years together. Repeated letters were issued to the petitioner, but he did not take any steps. It

also appears that a title suit is pending with regard to the right, title and interest of the property and Monorama Mukherjee, the respondent No.7 filed an FIR against the petitioner. The investigation resulted in filing of a final report.

The West Bengal State Electricity Distribution Company Limited has the right to access the meter for inspection and to record the readings. The petitioner and the respondent no.7 have a dispute, which may have led to a situation where the room was probably found locked for days together.

Under such circumstances, the writ petition is disposed of with a direction upon the police authorities to ensure access of the distribution company to the meter board position, so that the supply can be restored to the petitioner and periodic readings can be taken. If necessary, the existing padlock shall be broken by the police authorities. The petitioner shall pay the reconnection charges. Before the distribution company enters the premises, a notice will be served upon the respondent no.7 and the petitioner, through the police authorities. The petitioner shall not claim any equity in respect of the connection and the said connection shall be subject to the result of the suit. After reconnection of the supply to the petitioner, the police authorities shall put a padlock and retain one key with them and one key shall be handed over to the petitioner. The reason behind this direction is to ensure that the distribution company can get

access to the meter as and when required, upon obtaining the key from the police station.

The restoration shall be done within a period of 10 days.

Accordingly, the writ petition is disposed of.

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

(Shampa Sarkar, J.)