

24th January,
2024
(AK)
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W.P.A 27158 of 2023

Subham Surana
Vs.
The State of West Bengal and others

Mr. Moyukh Mukherjee
Mr. Kunal Saraogi
...for the petitioner.

Ms. Saheli Sen
Ms. Indrani Nandi
...for the State.

Dr. Madhusudan Saha Ray
...for CESC Limited.

Ms. Soni Ojha
Ms. Sambrita B. Chatterjee
...for the respondent nos.4 & 5.

1. The petitioner submits that the petitioner is suffering since the petitioner is no longer the owner of the property-in-dispute which stands transferred in the name of the private respondents through respondent no.3 which is an Asset Reconstruction Company; however, bills are still being sent to the petitioner for consumption of electricity for the meter which is standing at the said premises.
2. The petitioner also contends that subsequently a new Consumer ID has been given to the private respondents but still bills being sent to the petitioner.

3. Learned counsel for the CESC Limited submits that the petitioner has no *locus standi* to prefer the writ petition, since not the petitioner but the petitioner's parents are the consumers in respect of the electricity meter standing at the premises.
4. Secondly, it is submitted that the Distribution Licensee can, under three circumstances, transfer an existing service/meter. Those are stipulated in Clause 7.2, sub-Clauses (a), (b) and (c) of Regulation 46 of the WBERC.
5. Sub-Clause (a) provides for a 'No Objection certificate' from the existing consumer and sub-Clause (b) a succession certificate or undertaking to be provided as legal heir of the original consumer.
6. However, none of those apply. The applicable clause here is Clause 7.2 (c) which provides that if a sale deed or lease deed or tenancy agreement establishing the applicant as owner/occupier of the concerned premises is produced, a transfer may be granted in favour of the said owner/occupier.
7. Learned counsel appearing for the private respondents submits that the petitioner is trying to harass the private respondents.
8. Be that as it may, irrespective of the disputes pending between the petitioner and the private respondents on other counts, the fact remains that the petitioner's parents are still the consumers in

respect of the electricity meter standing at the premises, in the absence of any application for surrendering the said connection having been made by them.

9. Although strictly speaking the CESC Limited is justified in arguing that the petitioner is not the consumer and does not have *locus standi* to prefer the writ petition, on a wider perspective in order to facilitate the benefit of all concerned, since the CESC Limited itself admits that the connection may be transferred in favour of the private respondents in view of the latter having become the owners of the property through the Asset Reconstruction Company, the ends of justice would be sub-served if the CESC Limited is directed to do so.
10. Accordingly, WPA 27158 of 2023 is disposed of by directing the CESC Limited to transfer the name in respect of the electricity meter at the disputed premises, now standing in the name of the parents of the writ petitioner, to that of the private respondents, subject of course to the private respondents having complied with all formalities in that regard, under Clause 7.2 (c) of Regulation 46 of the WBERC.
11. It is expected that such transfer shall be effected at the earliest, preferably within a week from date

subject to compliance of all formalities by the private respondents.

12. It is made clear that although till such transfer is effected, the erstwhile consumers remain liable for the electricity consumed therefrom, immediately upon such transfer, the erstwhile consumers, that is, the parents of the petitioner shall be relieved of all liability in that regard.
13. There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)