

AD-12
Ct No.09
05.03.2024
TN

WPA No. 27498 of 2023

Sulekha Pal
Vs.
The West Bengal State Electricity Distribution Company
Limited (WBSEDCL) and others

Mr. Balaram Pandit,
Mr. Krishna Deo Das

.... for the petitioner

Dr. Madhusudan Saha Roy

.... for the WBSEDCL

Mr. Bhudeb Chatterjee

.... for the respondent no. 8

- 1.** Learned counsel for the petitioner submits that the petitioner has purchased the property from respondent no. 8. In order to indicate devolution of title, the private respondents have been impleaded, being the erstwhile owners.
- 2.** It is contended that when the petitioner applied for electricity connection, such connection was not given, apparently on the ground that there were certain outstanding dues by the previous erstwhile owners. However, the WBSEDCL is not indicating the exact quantum or the liability of the petitioner in that regard.
- 3.** Learned counsel for the WBSEDCL, however, submits that the quantum has already been indicated to the petitioner. However, it is settled as per the concerned Regulation of the West Bengal Electricity Regulatory Commission (WBERC) that a nexus between the new

applicant and the erstwhile defaulter have to be made out by the Distribution Licensee to claim outstanding dues from a new applicant. In the present case, since nothing of such sort has been indicated clearly, direction of affidavits in the writ petition would only render the remedy illusory, since as per *Mohinder Singh Gill's* case reasons cannot be subsequently furnished.

4. Accordingly, WPA No. 27498 of 2023 is disposed of by directing the WBSEDCL to clearly communicate in writing to the petitioner as to what is the nexus in the perception of the WBSEDCL between the petitioner and the outstanding dues left by the erstwhile consumers. Such communication shall be made within a fortnight from date.
5. It is made clear that in the event the petitioner is aggrieved and has a dispute regarding such perceived nexus of the WBSEDCL, it will be open to the petitioner to prefer a further challenge against the said decision of the WBSEDCL. In the alternative, if the petitioner is agreeable with the allegation of nexus, the petitioner will be at liberty to comply with the formalities, in which case the WBSEDCL shall give the electricity connection to the petitioner preferably within a fortnight from such compliance.
6. There will be no order as to costs.

- 7.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)