

14.06.2024  
Sl. No.63(DL)  
srm

IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE

W.P.A. No. 1193 of 2024

Minu Paul

Versus

West Bengal State Electricity Distribution  
Company Limited & Ors.

Mr. Sanjay Mazoomdar,  
Ms. Sukanya Adhikary,  
Mr. Rahul Ghatak

...for the Petitioner.

Mr. Sudipta Kumar Bhowmik,  
Mr. Anirban Banerjee,  
Ms. Dipti Bhowmik

...for the WBSEDCL.

Mr. Debarshi Dhar

...for the Siliguri Municipal Corporation.

Mr. Nabankur Paul

...for the Respondent No.5.

1. Affidavit of service is taken on record.
2. The petitioner submits that the respondent No.5 was granted electricity connection on the basis of a forged document, i.e., holding tax receipt. An FIR was lodged by the Siliguri Municipal Corporation before the concerned police authorities for an investigation.
3. The petitioner prays that the electricity connection be disconnected.

4. This Court does not find any reason to pass such order.

The respondent No.5 is the sister of the petitioner and suits are pending between the parties. Whether the sister had obtained electricity connection on the basis of forged document or not will be decided by the electricity authorities. The document is the subject matter of investigation. An occupier is entitled to electricity, which is an essential service.

5. If the electricity department does not have any objection with regard to the connection given to the respondent No.5, the petitioner does not have any role to play. However, it is made clear that the petitioner shall not be held responsible for the alleged act of forgery. The grant of electric supply will be subject to the result of the litigations between the parties.

6. Although the petitioner submits that the Electricity Act provides a mechanism by which theft of electricity should be detected and casts a duty upon the electricity authorities to take steps on detection of theft, this is not a case of pilferage of electricity. Rather, it is the petitioner's contention that the electricity was supplied to the respondent No.5 on the basis of a false document. Supply

of electricity is between the authorities and the respondent No.5.

7. Thus, the writ petition is not entertained.
8. Needless to mention, the investigation by the police authorities will continue and all other proceedings which are pending before the respective fora shall not be influenced by this order. It is also made clear that the petitioner shall not be burdened by the result of such investigation.
9. The writ petition is, thus, disposed of.
10. There shall be no order as to costs.
11. Parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**