

Constitutional Writ

Present:

The Hon'ble Mr Justice Jayanta Kumar Biswas.

Judgment on: August 23, 2010.

W.P.No. 10216 (W) of 2010

Jayanta Malik

-vs-

The Chairman of West Bengal State Electricity Distribution Company
Limited & Ors.

Points:

Reconnection of Electricity- Private respondent disconnected the electricity whether writ lies against the Licensing authority for reconnection-
Constitution of India – Art 226

Facts:

Petitioner filed the writ petition on the allegation of inaction of the Distribution Company to reconnect the electricity which disconnected by the private respondent five years ago.

Held:

There is no law that created the licensee's statutory obligation to reconnect the supply that, admittedly, was disconnected by the private respondents five years ago. It is evident that with a pure private dispute the petitioner has brought this art. 226 petition impleading the licensee that never disconnected the supply. The petitioner's remedy, if any, was before the Civil and Criminal Courts. He is not entitled to any relief from the Writ Court Para 4

Mr. Somnath Som, advocate, for the petitioner. Mrs. Banani Mukherjee, advocate, for the State. Mr. Sukumar Bhattacharyya and Ms. Piyali Shaw,

advocates, for the fifth and sixth respondents. Mr. Samrat Das, advocate, for WBSEDCL.

The Court:- Alleging inaction on the part of the Distribution Company, a licensee under the Electricity Act, 2003, the petitioner has brought this art.226 petition dated May 11, 2010, though his own case is that the private respondents disconnected supply of electricity to him on May 29, 2005 (para. 9 and p. 40).

2. Counsel for the petitioner submits that the licensee was under a statutory obligation to reconnect supply of electricity to the petitioner. Counsel for the State submits that the private parties are involved in a Title Suit. Counsel for the private respondents submits that the petitioner has suppressed material facts.

3. The question is whether the licensee was under an obligation to reconnect supply of electricity to the petitioner.

4. There is no law that created the licensee's statutory obligation to reconnect the supply that, admittedly, was disconnected by the private respondents five years ago. It is evident that with a pure private dispute the petitioner has brought this art. 226 petition impleading the licensee that never disconnected the supply. In my opinion, the petitioner's remedy, if any, was before the Civil and Criminal Courts. He is not entitled to any relief from the Writ Court.

5. For these reasons, the petition is dismissed. No costs. Certified xerox.

(Jayanta Kumar Biswas, J.)

