IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:
The Hon'ble Justice Rai Chattopadhyay

WPA 17777 of 2026

Lakshmi Shaw
Vs.
The West Bengal State Electricity Distribution Co. Ltd. & Ors.

For the Petitioner : Mr. Lakshmi Shaw (in person)

For the WBSEDCL : Dr. Madhusudan Saha Roy

Heard on **: 13.11.2026**

Judgment on **: 17.11.2026**

Uploaded on **: 17.11.2026**

Rai Chattopadhyay, J. :-

1. The subject premises is 23, West Ghosh Para Road, Kankinara Bazar, North 24 Parghanas, Pin-743126, where the petitioner once resided with her both parents and presently with her mother alone due to death of her father and seeks that the respondent WBSEDCL do provide a separate new electricity service connection over there, in her name. Hence, she has made application to that effect dated June 4, 2026. This writ petition has been filed by her to seek redress of her grievances that despite her making application for new connection and willingness to comply with all the legal formalities for grant of such connection, the respondent has till now been allegedly

inactive and negligent to respond to her such application by providing her, as prayed for. Hence, in this writ petition, the petitioner has sought for relief that the respondent/WBSEDCL be directed to provide separate electricity connection to her at her residence without putting up and obstruction as regards the same.

2. The writ petitioner appearing in person has submitted that at the subject premises, electricity line has been disconnected by the respondent since from March 23, 2026, which stood in the name of her deceased father. That after death of her father, the mother of the writ petitioner used to enjoy and maintain the same. Allegedly however, due to disturbances created by the respondent authority and as a result of fraud and harassment practiced by the same, the said consumer faced serious difficulty in utilizing the service.

3. The petitioner has submitted that she being the member of the same family and residing permanently in the subject premises should be entitled for a new connection over there, particularly for the purpose of her separate earmarked professional chamber and adjacent places, as per provision of the law. She has submitted that being devoid of any electricity connection, her profession has been affected severely and a new connection is a dire urgent need of the hour. She submits further that the respondent's inaction in providing her separate electricity connection, is not only arbitrary but also in stark violation of the statutory provisions and settled law. It is informed that pursuant to her application, the WBSEDCL authority has not even conducted an inspection over the premises, which, according to her, signifies its premeditated mala fide intentions,

to defy the petitioner's statutory rights by not providing separate service connection to her. Hence, the writ petitioner has prayed for the above relief, in the instant writ petition.

4. The contentions and prayer of the writ petitioner has been vehemently objected to by the respondent WBSEDCL, represented by Dr. Madhusudan Saha Roy, learned advocate. It is denied that the petitioner would be eligible for a separate electricity connection in her name at a premises where a service connection already existed. It is submitted further that inspection though attempted to be done, could not be accomplished due to non-cooperation of the petitioner and her mother to give the officers of the respondent free access to the existing meter board at the premises. The respondent has conceded to the fact that a service connection was earlier granted at the subject premises in the name of the deceased father of the writ petitioner, being Meter No. SL020604 Consumer No. 155003153.

5. Dr. Saha Roy, learned advocate submits that previously several unsuccessful attempts have been made by the mother of the writ petitioner by filing writ petitions and appeals before this Court, to secure some undue benefit with respect to restoration of connection, not permissible under the law. It is categorically stated that the mother of the writ petitioner, on advice of the petitioner, who happens to be the representing advocate of her mother, has even ignored and violated the Court's order. Like in WPA 10160 of 2026, the petitioner/mother of the present writ petitioner was directed to take steps for transfer of her name in place and stead of the erstwhile deceased consumer, but in

vain. Neither the said petitioner has taken any step to surrender the meter lied in the name of a deceased person.

6. So far as the online application of the writ petitioner for new connection is concerned, the respondent says that the same is not in accordance with law and even at times pages thereof have remained unendorsed with signature of the applicant and her photograph. It is further submitted that the technical compliances like installation of installation of 'main switch' for new connection as per Regulation 2.1 (o) of the Regulations No.55 or formalities under the West Bengal Electricity Regulatory Commission Notification No.46 – are not accomplished by the writ petitioner.

7. The authority has submitted that the same is ready and willing to provide connection to the petitioner as prayed for, subject to fulfilment of the statutory and legal formalities by her, as a prospective consumer is obliged to meet the same up, in order to obtain new connection.

8. Let it be noted that the earlier supply has been disconnected on March 23, 2026, where as the writ petitioner has applied for a new connection on June 4, 2026. The interval between these two dates is substantially less than the statutory 180 days, which is the statutory time limit of continuous disconnection, under Regulation 4.6.1 of 2012 Supply Code [West Bengal Electricity Supply Code, 2012] to treat the supply agreement as deemed to be terminated.

9. Till a new connection is provided to the present petitioner, if at all, she should be categorized as within the same unit of

beneficiaries, who have enjoyed service under the Consumer No. 155003153, though supply was granted in name of her father as the grantee consumer. The circumstances leading to disconnection of the earlier electricity connection require consideration in the proper factual perspective. It appears from the judgment and order dated July 24, 2026 passed in WPA 10160 of 2026, arising out of the earlier proceedings in WPA 5357 of 2026, that the electricity connection bearing Meter No. SL020604 and Consumer No. 155003153 was disconnected on March 23, 2026, following repeated failure on the part of the then occupant to provide access to the officials of WBSEDCL for inspection and recording of meter readings, notwithstanding prior notices dated February 23, 2026 and February 27, 2026 and a specific direction of this Court dated March 9, 2026 requiring cooperation at the time of inspection. The said proceedings further disclose that the existing meter, manufactured in May, 2002, had outlived its guarantee period in July, 2007 and had become ineffective for accurate recording of electricity consumption, thereby necessitating its replacement. The Court also noticed that the existing connection continued in the name of a deceased consumer and that the requisite formalities for change of ownership had not been completed. Ultimately, the disconnection was upheld in view of the provisions of Section 163 of the Electricity Act, 2003 read with Clause 8 of the WBERC Regulations No. 55, which has provided for access to the premises for meter reading, validation, testing, repair and other authorised purposes. Accordingly, disconnection of meter was held justified.

10. In this factual background the decisive consideration should not merely be as to the independent statutory right of the

present petitioner as an occupier of the same premises, completely unrelated to the liabilities and circumstances emanating from the consequences of the earlier service and consumption. Rather during subsistence of the agreement period and as the beneficiary of the supply granted earlier in the same premises, the petitioner's independent right under the statute as a new consumer should be espoused with much care and circumspection in order to avoid any possible revenue loss, particularly when the petitioner's nexus with the previous consumer is yet to be established by the authority after expiry of the agreement period. The petitioner cannot necessarily change the character of an existing consumer relationship merely by introducing a fresh application in the name of another member of the same beneficiary unit, particularly when the effect of doing so would be to circumvent the consequences of the subsisting agreement and avoid examination of liabilities arising from the original connection.

11. It is necessary to examine the petitioner's claim for a fresh electricity connection in the background of the entire chain of events concerning the earlier connection bearing Meter No. SL020604 and Consumer No. 155003153. Undoubtedly, Section 43 of the Electricity Act, 2003 recognises the statutory entitlement of an owner or occupier of premises, to seek supply of electricity. Such entitlement, however, cannot be considered in isolation from the existing contractual and regulatory relationship concerning the very same premises, particularly where the applicant is not an unrelated subsequent occupier but admittedly belongs to the same family and the same unit of beneficiaries who had been enjoying the electricity supplied through the earlier connection. The original connection stood in

the name of the petitioner's deceased father, but following his death, the electricity supplied through the said connection continued to be enjoyed and maintained by the petitioner's mother, who had been residing at the same premises. The present petitioner, being the daughter of the original consumer and a permanent resident of the same premises, was also a member of the household and a beneficiary enjoying the benefit of the existing connection. More significantly, she was not an uninvolved stranger to the earlier disputes concerning the said connection. The respondent has specifically contended that she had been advising and representing her mother in the previous proceedings before this Court, including WPA 10160 of 2026, in which directions had been issued requiring steps for transfer of the existing connection in the mother's name. The said directions were admittedly not complied with. Neither was the earlier connection surrendered nor were the requisite steps taken to regularise the consumer relationship. In such circumstances, the petitioner’s application dated June 4, 2026, seeking a supposedly independent fresh connection at the very same premises, cannot be examined merely by isolating the petitioner from the history and legal incidents of the existing connection. The question is not whether she, considered as an individual, is otherwise capable of becoming a consumer under Section 43, but whether, having regard to her relationship with the original consumer, the continued enjoyment of the supply by her mother and the subsisting regulatory consequences of the earlier connection, the present application represents a genuine independent requirement or is merely an attempt to obtain indirectly what could not be obtained directly through the earlier proceedings. The statutory entitlement under Section 43 cannot be employed as an instrument to circumvent a

subsisting consumer agreement, avoid the lawful determination of liabilities arising therefrom or defeat the consequences of an earlier judicial adjudication. The doctrine that what cannot be achieved directly cannot be permitted to be achieved indirectly is attracted, where the subsequent proceeding is demonstrably designed to circumvent an existing legal impediment. The Court must, therefore, look at the substance and real object of the application rather than merely its description as an application for a new connection.

12. Regulation 4.6.1 of the West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2012, provides that where supply to a consumer remains disconnected continuously for 180 days, provided such disconnection has been effected in compliance with the Act or Regulations, the agreement between the licensee and the consumer shall be deemed to have been terminated upon expiry of the said period. The provision is not merely procedural; it determines the point of time at which the existing contractual relationship comes to an end by operation of law. In the present case, the earlier supply was disconnected on March 23, 2026, whereas the present petitioner submitted her application for a new connection on June 4, 2026. Thus, on the date of the application, only approximately seventy-three days had elapsed from the date of disconnection. The statutory period of 180 days had not expired and, consequently, the original agreement had not, on that date, undergone deemed termination by operation of Regulation 4.6.1. The legal relationship concerning the earlier connection was, therefore, still governed by the existing regulatory framework. The petitioner cannot, merely by submitting an application in her individual name during the

subsistence of that agreement, seek to create a legal fiction that the earlier consumer relationship and its attendant liabilities have ceased to exist. Such an interpretation would permit members of the same beneficiary unit to successively change the identity of the applicant, thereby rendering the statutory period prescribed under Regulation 4.6.1 and the consequences contemplated under Regulation 4.6.4 substantially nugatory.

13. Regulation 4.6.4 of the 2012 Regulations assumes significance in this context, inasmuch as it provides that where deemed termination of the earlier agreement has taken place, a new service connection in the same premises can be provided only upon clearance of the outstanding dues against the deemed-terminated consumer together with the applicable late payment surcharge. The provision contains a non-obstante clause and is intended to prevent the grant of a fresh service connection in the same premises without settlement of the outstanding liabilities attaching to the deemed-terminated connection. The Hon'ble Supreme Court in ***K.C. Ninan v. Kerala State Electricity Board [(2023) 14 SCC 431]***, while considering the corresponding provisions of the West Bengal Electricity Supply Code, specifically noticed the effect of Regulations 4.6.1 and 4.6.4 and recognised that the statutory consequences of deemed termination and the requirement of clearance of outstanding dues cannot be disregarded while considering an application for a new service connection in the same premises. The decision, particularly paragraphs 316 to 321, makes it clear that the regulatory framework must be given effect to according to its terms. The Court is conscious that Regulation 4.6.4 operates upon deemed termination under Regulation 4.6.1 and cannot be invoked prematurely as though the 180-day period

had already expired. Nevertheless, the fact that the application was submitted before expiry of that period is itself relevant to the examination of the petitioner's real intention, particularly when the applicant was admittedly benefitted under and enjoyed the original connection and had knowledge of the earlier proceedings and the outstanding issues relating to the original connection. The petitioner cannot claim that the mere description of her application as one for a fresh connection, automatically severs the factual and legal continuity of the earlier consumer relationship. The provisions must be read harmoniously so that Section 43 of the 2003 Act does not become an instrument for defeating the specific regulatory safeguards contained in the Supply Code.

14. Applying the aforesaid principles to the facts of the present case, this Court finds that the petitioner's application cannot be treated as an ordinary application by an independent subsequent occupier, having no connection with the previous consumer or the circumstances surrounding the disconnection. The petitioner is admittedly the daughter of the original consumer, resides in the same premises, belongs to the same household and a beneficiary of the service and was aware of the proceedings concerning restoration and transfer of the earlier connection. The fact that her mother continued to enjoy the electricity supply after the death of the original consumer, coupled with the petitioner's participation in the earlier litigation and the failure to comply with the directions concerning transfer of the existing connection, assumes considerable significance. Instead of first complying with the directions of the Court and resolving the legal and regulatory position concerning the earlier connection, the petitioner has

sought to initiate a parallel course by submitting an application in her own name for a fresh connection at the same premises, while the original agreement had not yet undergone deemed termination. The timing and circumstances of such application, viewed cumulatively, give rise to a serious apprehension that the present proceeding is intended to secure indirectly the benefit which could not be obtained through the earlier proceedings, without first addressing the consequences arising from the existing consumer relationship. Such a course cannot be encouraged by a Court exercising its equitable jurisdiction under Article 226 of the Constitution. The principle that a litigant cannot approbate and reprobate, or seek to achieve by an indirect way what the law does not permit directly, assumes relevance in these circumstances. The Court is, therefore, unable to accept the petitioner's claim that her application must be considered as an entirely independent statutory demand, divorced from the earlier connection and the proceedings relating thereto. This finding does not rest merely upon her relationship with the deceased consumer, but upon the cumulative effect of her participation in the earlier proceedings, her continued association with the same beneficiary family unit, the failure to regularise the existing connection and the timing of the subsequent application.

15. Accordingly, this Court is of the view that the petitioner's claim for a fresh connection cannot be allowed to operate as a device for avoiding the legal consequences, if any, attaching to the earlier consumer agreement. The respondent is entitled to examine and determine the outstanding liabilities, if any, in accordance with the applicable provisions of the Supply Code, including Regulations 3.4.2, 4.6.1 and 4.6.4, as applicable to

the relevant facts and period. At the same time, the respondent cannot act arbitrarily or impose any liability upon the petitioner without establishing the necessary statutory ingredients. The petitioner's application must, therefore, be considered in the context of the existing consumer relationship and the applicable regulatory provisions, and not merely as an isolated application by an unrelated new consumer. Any fresh connection, if otherwise permissible, shall remain subject to the lawful determination and discharge of the liabilities attaching to the earlier connection and fulfilment of all applicable statutory and technical requirements. For this purpose, the respondent shall be at liberty to conduct inspection over the premises and the existing meter and board, upon notice to the occupiers and the occupiers would be liable as per the statutory provisions, to give free access to the officials of the respondent to do such inspection. In case of any obstruction is faced from anybody at the time of inspection, the respondent authority shall be at liberty to call for police help from the local police station, who shall be obliged to provide the same immediately, if sought for, cost of which may be recovered from the petitioner herein.

16. Consequent upon such inspection and on the basis of finding thereof the respondent authority shall take each and all necessary appropriate steps in accordance with law, which may also include its decision regarding the petitioner’s application dated June 4, 2026. The entire exercise as directed should be concluded by the respondent authority within a period of 12 weeks from the date of this judgment.

17. The present writ petition being No. WPA 17777 of 2026 is disposed of with the directions as above.

18. Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)