

ORDER SHEET
WP 188/2019

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

M/S GOLD SILVER ARTS PVT LTD AND ANOTHER 1

Versus

THE CESC LIMITED AND 3 OTHERS

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 10th June, 2019.

Mr. S. Sengupta, Adv.; Mr. R. Singh, Adv.
Mr. R.C. Guchhait, Adv.

The Court : The writ petitioners claim that the private respondent no.4 is an ex-employee. In course of employment, the said respondent no.4 was allowed to occupy a particular premises of which the petitioners were tenants. The said occupation, according to the writ petitioners, was a benefit of employment.

It is submitted that the said respondent no.4 has since resigned from the employment of the writ petitioners and hence cannot be in lawful occupation of the premises in question.

The petitioners are specifically aggrieved by the fact that the CESC authorities have allowed a commercial supply connection to the said 4th respondent who has no right, title or interest in the said premises. The petitioners seek disconnection of such supply to the 4th respondent.

It is now well settled that even a trespasser is entitled to electricity. The writ petitioners are, therefore, not entitled to any orders of disconnection as prayed for.

Since the petitioners have already instituted appropriate proceedings before the Additional Chief Metropolitan Magistrate at Calcutta against the 4th respondent under section 452 of the Companies Act, 2013, the writ petitioners have availed remedies available under the law.

The CESC authorities shall, however, supply to the petitioners within a period of five days from date all documents based on which electricity supply was effected to the 4th respondent in the first place.

With the aforesaid direction, W.P. No.188 of 2019 shall stand disposed of. No order as to costs.

The affidavit of service filed may be kept with the records.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties subject to their compliance with all the requisite formalities.

(RAJASEKHAR MANTHA, J.)

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