

09.03.2021
rc/ct.no.10
Item No.17

WPA No. 31 of 2021

Mr. Arif Ali
Mr. Debaki Nandan Maiti ...for the Petitioner

Mr. Rajiv Lal for the CESC Limited

Mr. Chittapriya Ghosh
Mr. Komal Singh
Mr. Goutam Dey for the private respondent

This is a meritless and bogus writ petition and has been filed with ulterior object.

The grievance of the petitioner is for a separate electricity connection in the subject premises.

The Advocate appearing on behalf of the petitioner submits that the petitioner has paid the entire outstanding electricity dues to the private respondent who is his landlord but the landlord has deliberately not paid the CESC Limited. He also prays for a separate electric connection at the subject premises.

The private respondent is represented and relies on Clause 12 of the Licence Agreement entered into by the petitioner and the private respondent on March 01, 2018 (in short, "the said agreement"). Clause 12 of the said agreement categorically records that the entire electricity dues would be regularly paid by the petitioner to the CESC Limited directly.

The CESC Limited is represented and submits that an outstanding amount of Rs.1,48,642/- is due and payable on account of electricity connection provided to the said premises.

I have heard the parties and considered the submissions made on their behalf.

It is an admitted position that the property is situated at a complex commonly known as “South City Project”. It is also not in dispute that the private respondent is the owner of the said flat and the petitioner is a tenant under the private respondent. There are disputes pending by and between the petitioner and the private respondent. The agreement categorically provides that it is the petitioner who is to pay the entire electricity dues regularly to the CESC Limited. The petitioner has not been able to satisfy this Court as to whether he has paid the outstanding dues to the CESC Limited.

In view of the aforesaid facts, there is no question of providing a separate electricity connection to the petitioner.

WPA No. 31 of 2021 is dismissed.

The petitioner is directed to pay all the outstanding dues to the CESC Limited in respect of the said flat before the CESC Limited takes any steps for restoration of the electricity connection in the name of the private respondent.

With the aforesaid directions, this writ petition being WPA No. 31 of 2021 is dismissed.

There shall, however, no order as to costs.

(Ravi Krishan Kapur,J)