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02.12.2021
TN

WPA No.10030 of 2021

Satya Narayan Bose
Vs.
District Engineer, the Calcutta Electric Supply
Corporation Limited and others

Mr. Atis Kumar Biswas,
Mr. J. N. Manna,
Mr. Amit Singh,
Ms. Jyoti Agarwal

.... for the petitioner

Mr. Debanjan Mukherji

....for the CSEC

Mr. Tarun Kumar Ghosh,
Mrs. Debarati Sen (Bose)

....for the State

Mr. Ankit Agarwala,
Mr. Alotniya Mukherjee

....for the private respondent

The contention of the petitioner is that the CESC Limited is not acting on the request of the petitioner to repair the existing electric meter, standing in the name of the petitioner at the premises-in-question.

Learned counsel for the petitioner contends that during pendency of an eviction proceeding, the landlord/private respondent disconnected the electric

supply to the petitioner's premises, thereby causing serious loss to the business of the petitioner.

However, learned counsel for the CESC Limited, by pointing out to the application of the petitioner himself, annexed at page-18 of the writ petition, contends that the petitioner specifically sought stoppage of supply with immediate effect on October 3, 2018. It is contended that subsequently the electric meter was disconnected as per the request of the petitioner himself and the electric meter was removed. As such, it is contended that there cannot arise any question of repair of any electric meter in the name of the petitioner at the premises.

Learned counsel appearing for the private respondent submits that an eviction decree was obtained against the petitioner by the private respondent under the West Bengal Premises Tenancy Act, 1997 as long back as in the year 2002. The matter came up to this court in second appeal and ultimately the judgment of eviction stood affirmed. As such, it is argued that there is no scope for granting the relief prayed in the writ petition.

A mere perusal of the writ petition clearly shows that the same is patently *mala fide* and an attempt to harass the private respondent/landlord as well as the CESC unnecessarily. The writ petition is full of

contradictions. At page-18, the petitioner has annexed a letter dated October 3, 2018 written to the Officer-in-Charge of the Central Regional Office, requesting the CESC to stop supply to the electric meter at the premises with immediate effect, and also lodged a complaint of power theft by the landlord of the petitioner.

That apart, the petitioner has categorically suppressed that the petitioner is suffering an eviction decree since 2002, which has since been affirmed up to the second appellate stage in this court.

In the writ petition itself, an order of the executing court has been annexed, which clearly indicates that the eviction proceeding is at the execution stage.

As such, the prayer in the writ petition, being a direction on the CESC to repair the 'existing' electric meter is patently inconsistent and mutually exclusive with the request of the petitioner himself to stop supply and subsequent disconnection on such request by the CESC Limited. Moreover, the dispute which has arisen between the landlord and the petitioner has already been resolved by a competent civil court and affirmed upto this Hon'ble Court in second appeal and, as on today, the petitioner is not a 'tenant' within

the definition of the West Bengal Premises Tenancy Act, 1997, having already suffered an eviction decree.

In such view of the fact, there is no other rhyme or reason for the petitioner to have filed this writ petition but to make a last attempt to stall the execution proceeding.

As such, there is no merit in the writ petition. In view of the unnecessary harassment caused to the respondent nos. 1 and 3 by the petitioner, costs ought to be imposed on the petitioner

Accordingly, WPA No.10030 of 2021 is dismissed with costs assessed at Rs.10,000/- payable to the respondent no.1 and Rs.20,000/- to the private respondent no.3 by the petitioner both payable within a week from date.

In the event of non-payment, it will be open to the respondent nos.1 and/or 3 to take out appropriate proceedings for contempt.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)