

13-07-2021

ct no. 13

Sl.39

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WPA 10704 of 2021

Silver Villa Constructions Pvt. Ltd. & Anr.

-Versus-

CESC Ltd. & Ors.

(Via Video Conference)

Mr. Aniruddha Mitra,

Mr. D. Sengupta,

Mr. Anirban Ghosh

...for the petitioners

Mr. Uday Sankar Bhattacharya

...for the respondents

Affidavit of service filed by the petitioners
in Court today is taken on record.

Counsel for the petitioners submits that
his client is engaged in the business of
construction and promoting of properties. For
the purpose of the aforesaid premises being
Holding No. 505/1 and Premises No. 243, S.K.
Deb Road, P.S.-Lake Town, Kolkata under Ward
No. 31 was being developed and an electricity
connection was applied for.

Counsel for the CESC submits that the
private respondents have filed a civil suit
against the writ petitioners and an order of
injunction has been passed on March 22, 2021
by the learned Civil Judge (Jr. Division), Bidhan
Nagar in T.S. No. 114 of 2021. The petitioners

have been enjoined from changing the nature and character of the property.

The CESC is not a party to the said suit. It is further submitted that there is an appeal preferred by the writ petitioners against the said order of injunction which is since pending. It is for these reasons, the electricity connection could not be given to the writ petitioners.

Counsel for the private respondents submits that the writ petitioner has effected construction over a water body without due process of law. It is further submitted that the writ petitioner has encroached on the said property of the private respondents. The same is disputed by the counsel for the writ petitioner.

It is now well-settled that electricity is a basic and necessary right and even a trespasser is entitled to the same. Hence, the licensee shall within a period of 15 days from date grant electricity connection to the writ petitioner, subject to compliance of all and any formalities.

It is made absolutely clear that the electricity connection to the writ petitioner by the CESC shall not create any equity or any rights whatsoever in favour of the petitioner in the pending dispute with regard to the land including the subject matter of T.S. 76 of 2019. The order passed in or any proceedings under

T.S. 76 of 2019 shall continue without being affected by this order.

In the event, any obstruction, the licensee and the petitioner may approach the Officer-in-Charge, Lake Town Police Station for necessary protection in the process of installing electricity connection to the petitioner. The costs of such police protection shall be born by the writ petitioner.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)