

27.08.2021.
Item No. 130.
Court No.13
pk/akd

**W.P.A. No. 12689 of 2021
(Through Video Conference)**

**Smt. Lakhi Devi Shaw
Versus
CESC & Ors.**

Mr. Debjit Mukherjee.
Ms. Susmita Chatterjee
... for the CESC.

Mr. Pradyot Kumar Nandi
... for the respondent nos. 5 and 6.

Mr. Kamalendu Ghose,
Mr. Raja Ghosh
... for the respondent no. 4.

The CESC has submitted a report indicating that there are six meters in the meter board of the said premises. There are no outstanding dues in respect of five meters. In respect of a consumer called 'Daya Chand Shaw', there is sum of Rs.770/- outstanding. There are no disconnected meters. The report of the CESC is taken on record.

Counsel for the private respondent/landlord submits that the father-in-law of the petitioner was a tenant thereat and was enjoying electricity from an independent meter. After the death of the father-in-law, the tenancy was enjoyed by her mother-in-law. Since after the death of the petitioner's mother-in-law, there was a dispute between the brother's in-laws of

the petitioner and her husband had died in the meantime.

The petitioner has occupied the said shop room and has started selling tea therefrom.

Counsel for the private respondents vehemently denies that the petitioner was at all a tenant in respect of the said premises. Civil proceedings are pending in the form of T. S. No. 761 of 2020 before the learned City Civil Court at Calcutta.

The writ petitioner shall be entitled to apply for connection. The CESC shall examine the same and take a decision in the matter after due investigation and inspection afresh, if considered necessary.

Let the CESC complete the aforesaid exercise and take a decision in the matter within a period of one month from date.

It is made clear that if the CESC grants connection to the writ petitioner, the same shall not create any equity in her favour in the pending civil suit against her.

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

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

