

AD. 23.
November 26, 2021.
MNS.

(Through Video Conference)

WPA No. 14844 of 2021

Dashu Rajbhar
Vs.
CESC Limited and others

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder

... for the petitioner.

Mr. Debjit Mukherjee

...for the CESC Limited.

The grievance of the petitioner/landlord is that, despite the private respondent having overstayed beyond the period of five years after the expiry of the original tenant and/or after commencement of the West Bengal Premises Tenancy Act, 1997 (as amended till date), thereby losing the status of “tenant” as contemplated in the West Bengal Premises Tenancy Act, 1997, the CESC Limited refused to disconnect the supply of the private respondent at the behest of the petitioner on the ground that the petitioner has been paying the amounts due on the electric bills.

That apart, it is pointed out by learned counsel for the CESC Limited that the private respondent is a registered consumer and there is any scope under the Electricity Act or allied Regulations to disconnect such electric supply on an issue as raised by the petitioner.

Moreover, the Grievance Redressal Officer, as well as the Ombudsman refused such relief to the petitioner, thereby permitting the private respondent's connection to continue.

It is evident from the contentions of the parties and from the submissions of learned counsel that an eviction suit is already pending between the petitioner-landlord and the private respondent-tenant. It is beyond the jurisdiction and authority of the CESC Limited and/or the Grievance Redressal Officer and Ombudsman to resolve the dispute raised by the landlord. Since the matter is already pending adjudication before a civil court, the appropriate recourse before the petitioner is to approach the civil court in that regard, subject to the result of the civil suit. As such, there is no scope for interference with the decision of the Ombudsman.

Accordingly, WPA No. 14844 of 2021 is disposed of in the light of the above observations.

There will be no order as to costs.

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.)