

11th November,
2021
(AK)
15

W.P.A 15370 of 2021

Sri Raj Kishore Gupta
Vs.
Calcutta Electricity Supply Corporation and others

Mr. Kallol Basu
Mr. Tanoy Chakraborty
Mr. Chhandak Dutta

...For the petitioner.

Mr. Debanjan Mukherjee

...For CESC.

Despite service, none appears for the private respondent.

Affidavit-of-service filed in court today, be kept on record.

Learned counsel for the petitioner contends that, despite the petitioner having duly applied, the CESC is not being able to restore the petitioner's electric connection.

As per learned counsel appearing for the CESC, on repeated occasions, obstruction was created by the private respondents and certain outsiders at the point of time when the CESC went to inspect the premises-in-question for the purpose of giving such connection.

Learned counsel for the petitioners, in his usual fairness, submits that a civil suit is pending between the private respondents-landlords and the petitioners-tenants, in which the petitioners are enjoying orders of injunction restraining the private respondents from

changing the nature and character of the suit property and/or from disturbing the peaceful possession of the petitioners in respect of the premises-in-question.

Be that as it may, the order passed by the Civil Court and the mere pendency of the civil suit cannot be a bar to the CESC for restoration of the premises to ascertain the feasibility of grant of new electric connection to the petitioners.

Accordingly, WPA 15370 of 2021 is disposed of by directing the CESC Limited to restore the premise at the earliest, upon giving prior notice to the petitioners as well as private respondents in respect of the premises-in-question.

In the event of any obstruction being created by the private respondents and/or their men and agents, the Officer-in-Charge of the Bhowanipore Police Station, being respondent no.3, shall extend police assistance to the officials of the CESC for such restoration, upon being approached by the officials of the CESC Limited to do so.

It is made clear that the respondent no.3 shall be entitled to break open any padlock etc. which creates an obstruction to the restoration of the petitioner's electric connection.

The petitioners shall communicate this order at the earliest to the private respondents and/or the learned Advocate appearing for the private respondents in connection with the civil suit.

The parties shall act on the server copy of this order instead of insisting upon prior production of a certified copy.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)