

08
15.11.2021
TN

WPA No.17266 of 2021

M/s. Amba Tradelink LLP
Vs.
CESC Limited and others

Mr. Supriya Ranjan Saha,
Mr. Ashis Chakraborty

.... for the petitioner

Mr. Madhusudan Saha Roy

....for the CESC

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

The grievance of the petitioner is that, despite
the petitioner being a sub-lessee under the
respondent no.4 in respect of the premises-in-
question, respondent no.4 disconnected the electric
supply to the premises being enjoyed by the petitioner
by virtue of such sub-lease.

Learned counsel contends further that, when
approached, the CESC Limited indicated that it has
no objection on principle to restore connection, in the
event such restoration is in accordance with law.

Upon hearing learned counsel for the CESC as well, it is noted that, despite service, none appears for the private respondents.

Learned counsel for the CESC Limited is justified in contending that the matter pertains to a civil dispute between the writ petitioner and the respondent no.4 and, since the disconnection was not effected by the respondent no.1 or its officials, there is no liability on the part of the CESC Limited to restore such connection.

That apart, the specific allegation of disconnection is against the respondent no.4, who is a private party. In the garb of a writ petition, private civil disputes requiring detailed evidence cannot be espoused or resolved. In the present case, the respondent no.4 does not fall within the purview of 'State' as contemplated under Article 12 of the Constitution of India. As far as the CESC Limited and its instrumentalities are concerned, the said respondents have no direct nexus with the cause of action in the present writ petition.

However, there is no bar for the petitioner to approach the appropriate civil court for the proper relief against the respondent no.4 and others, if deemed necessary.

Accordingly, WPA No.17266 of 2021 is disposed of by granting the petitioner liberty to approach the civil court on the same issues as agitated in the present writ petition and seek appropriate orders therefrom. It is further made clear that this court has not gone into the merits of the rival contentions of the parties and it will be open to the civil court, if approached, to decide the suit/proceeding/interim prayer, if made, according to its own discretion in accordance with law without being influenced in any manner by the observations made herein.

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.)