

AD. 5.  
February 14, 2022.  
MNS.

**(Through Video Conference)**

WPA No. 2091 of 2022

Mr. Shatrughna Prasad Singh  
Vs.  
CESC Limited and others

Ms. Somoshree Saha,  
Mr. Sanjib Kumar Ghosh

...for the petitioner.

Mr. Debanjan Mukherjee

...for the CESC Limited.

Mr. Tarun Kumar Ghosh,  
Ms. Debarati Sen

...for the State.

Mr. Amit Baran Dash

...for the respondent nos. 5 and 6.

Learned counsel for the petitioner/landlord argues that the private respondent nos. 5 and 6 are tenants in respect of separate tenancies under the petitioner in different portions of the premises-in-dispute.

It is submitted that previously the private respondent no. 5 herein had moved this Court in WPA No. 19161 of 2021, in which this Court passed an order on January 7, 2022, thereby, *inter alia*, disposing of the writ petitioner and directing the petitioner therein to effect necessary alterations and additions to the premises, as sought by the CESC

Limited, to enable the CESC Limited to give new connection to the premises and thereafter to approach the CESC Limited with an appropriate application for new connection. Upon such approachj being made and on compliance of all requisite formalities, the CESC Limited was to give new electric connection to the private respondent no. 5.

It is argued that, in violation of the said order, although no repair work was effected by the private respondents, CESC Limited has given a new electric connection at the building, that too, to the tenanted portion of respondent no. 6, whereas the application was made by the respondent no. 5.

Such contention is controverted by the private respondents as well as the CESC Limited.

Learned counsel for the CESC Limited specifically hands up copies of two letters, respectively dated April 1, 2021 and January 24, 2022; the first is a communication by the CESC Limited to respondent no. 5 as regards the alternations that were required to be done at the premises at that juncture to enable the CESC Limited to give a new connection and the second, another communication, which indicates that the premises-in-question is fit for installation of new electricity meter and the civil work in the proposed wall was well plastered.

Relying on such documents, learned counsel for the CESC Limited submits that, in view of compliance of the direction of this Court in the previous matter by the respondent no. 5, by repairing the premises-in-question and preparing it adequately for the purpose of giving new electric connection thereto and having complied with all formalities, the CESC Limited gave such connection. Moreover, such connection was given to the respondent no. 5, who is the consumer himself, and not to the respondent no. 6 or to any other location.

In view of the submissions made by learned counsel for the parties, it is evident that the present writ petition is a *mala fide* attempt on the part of the petitioner/landlord to frustrate the order dated January 7, 2022 passed in WPA No. 19161 of 2021, which specifically provided for police assistance in the event any resistance was created in giving new electric connection to the respondent no. 5.

In view of the CESC Limited itself taking a stand that the necessary alterations were made by the respondent no. 5 and that the connection was given to the appropriate premises in the name of the respondent no. 5, who had applied for electric connection, and that all other formalities were duly complied with by the respondent no. 5, there cannot arise any occasion to direct disconnection of the electric supply given to the respondent no. 5, who is

entitled to electricity under Section 43 of the Electricity Act, 2003 as an occupier/tenant.

Hence, there is no merit in the writ petition.

Accordingly, WPA No. 2091 of 2022 is dismissed without, however, any order as to costs.

As a first instance, the writ petitioner is cautioned not to make attempts to subvert the process of justice by filing frivolous writ petitions in future.

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.)