

10th March,
2022
(AK)
01

W.P.A 3703 of 2022

Avimanu Shah
Vs.
CESC Limited and others

Mr. Bidyut Kumar Halder
Mr. Indranil Halder
...for the petitioner.

Mr. Madhusudan Saha Roy
...for the CESC Limited.

When the matter is called on for hearing, the petitioner is present in person, along with his counsel.

Learned counsel for the petitioner seeks to justify the averments in the writ petition that the electric supply enjoyed by Mr. Sandeep Gupta is a commercial connection.

Learned counsel Mr. Halder, appearing for the petitioner, also seeks to produce a photograph in order to prove that the said meter, which is enjoyed by Mr. Sandeep Gupta, is being enjoyed for a commercial purpose.

Learned counsel for the CESC Limited specifically opposes such contention and submits that the connection is not a commercial, but a domestic connection.

It is apparent from the state of affairs that the petitioner has failed to produce any document to indicate

that the connection of Mr. Sandeep Gupta is actually a commercial connection.

Even if it is shown that the said meter is being used for a commercial purpose, that *ipso facto* does not render the domestic connection into a commercial one.

In such event, if the said consumer is illegally using such domestic connection for commercial purposes, it will be open to the CESC Limited to take appropriate measures in that regard.

However, the very premise of the writ petition was that, since the petitioner is at present having to use a commercial connection enjoyed by Sandeep Gupta at the premises-in-question, the petitioner requires a new domestic connection in his own name. Such premise of the writ petition is denuded of truth.

In view of such *mala fide* attempt on the part of the petitioner to mislead the court by indicating that a new domestic connection in the petitioner's name was required in view of the existing connection being a commercial one, WPA 3703 of 2022 is dismissed with costs of Rs.1,000/- to be paid by the petitioner to the CESC Limited within a week from date.

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

(Sabyasachi Bhattacharyya, J.)