

**MAT 282 of 2022
With
CAN 1 of 2022**

**Bhanumati Devi Rajbhar & Ors.
Vs.
CESC Limited & Ors.**

Mr. Bidyut Kumar Halder
Mr. Indranil Halder

... .. for the appellants

Mr. Debjit Mukherjee

... .. for the CESC

The affidavit of service filed by the appellants is taken on record.

Heard the parties.

This appeal is directed against the order of the learned Single Judge dated 26th November, 2021 whereby WPA 14844 of 2021 has been disposed of with certain observations.

The case of the appellants is that one Kailash Nath Pathak was the tenant of the appellants in the premises in question and he had passed away in the year 2011 and the electricity meter in the name of the tenant was transferred in the name of the wife of the tenant i.e., Mira Devi Pathak. Further case of the appellants was that after five years of the death of the original tenant the legal heirs of the original tenant had no right to continue in the premises in question. Therefore the CESC authority ought to have accepted the request of the appellants to disconnect the electricity meter in the premises of the respondent no.5.

Learned Single Judge has duly examined the matter and has found no ground to interfere in the writ petition.

Submission of the learned counsel for the appellants is that in terms of Section 2(g) of the West Bengal Premises Tenancy Act, 1997 after five years of the expiry of the original tenant the legal representative has no right to continue in the premises. Therefore, the electricity connection ought to have been disconnected.

As against this, learned counsel for the respondent nos.1 and 2 submitted that Section 2(g) does not require disconnection of the electricity connection but only permits the legal heirs of the deceased tenant to continue for five years. He submits that the eviction suit filed by the appellants as against the respondent no.5 is still pending.

Having heard the learned counsel for the parties and on perusal of the record, it is noticed that the learned Single Judge has duly taken note of the fact that the private respondent no.5 is a registered consumer of the electricity and that the similar prayer was made before the Grievance Redressal Officer as well as Ombudsmen which was refused by permitting the private respondent's connection to continue.

That apart, it is undisputed that the civil suit at the instance of the appellants as against the private respondent is pending and the private respondent is in possession of the premises in question. No provision of

law has been pointed out to this Court showing that in such circumstances a legal representative of the tenant continuing in possession of the tenanted premises is not entitled to have the electricity connection.

In such circumstances, we find that the learned Single Judge has not committed any error in passing the impugned order and no case for interference in this appeal is made out.

The appeal is accordingly dismissed.

The connected application is also dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)