

AD. 28.
January 3, 2022.
MNS.

(Through Video Conference)

WPA No. 4069 of 2020
with
CAN 1 of 2021

Sufal Das
Vs.
C E S C Limited and others

Mr. Tapan Coomar Dey,
Mrs. Shreya Chatterjee

...for the petitioner.

Mr. Om Narayan Rai

...for the CESC Limited.

CAN 1 of 2021 is taken up for hearing first.

The said application has been filed for substitution of the heirs and legal representatives of the original petitioner, who has expired in the meantime.

However, it has been rightly submitted by learned counsel appearing for the CESC Limited that the cause of action does not subsist on the heirs of the original petitioner, in view of the petitioner's application for fresh electric connection having become infructuous.

It is further contended by learned counsel for the CESC Limited that the applicants' predecessor-in-interest (the original writ petitioner) had applied for a service connection, which could not be given in view of the existence of another service connection at the same premises.

Learned counsel appearing for the petitioners/applicants, controverts such submission and places reliance on a communication made by the CESC Limited to the original writ petitioner, which is annexed at page 21 of the writ petition, to point out that the ground of objection raised by the CESC Limited was merely that some local inhabitants of the area have raised verbal objection and the petitioner was to inform the CESC Limited in writing after the settlement of dispute to enable the CESC Limited to proceed further in the matter.

Be that as it may, since the cause of action does not survive on the present applicants in view of the writ petition have become infructuous along with the original application of the writ petitioner, which was rejected by the impugned decision, CAN 1 of 2021 is disposed of without recording any order of substitution.

WPA No. 4069 of 2020 stands abated in view of the demise of the original writ petitioner.

As such, no further order need be passed in the said writ petition.

However, it is made clear that it will be open to the applicants in CAN 1 of 2021 to apply afresh for a new electric connection to the premises-in-dispute, whereupon, the CESC Limited shall decide the same afresh, in accordance with law, without being prejudiced in any manner by any of the observations made herein and/or by the refusal of the application for electric

connection filed by the predecessor-in-interest of the present applicants.

In view of the above observations, there arises no further occasion to take note of the affidavits used by the parties. It is, as such, deemed that the parties refute the contentions of each other in respect of the writ petition.

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.)