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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 7821 of 2022

Raj Kishore Gupta
-vs.-
Calcutta Electricity Supply Corporation & Ors.

Mr. Kallol Basu,
Mr. Tanoy Chakraborty,
Mr. Chhandak Dutta
...for the petitioner

Mr. Debanjan Mukherjee
...for the CESC Limited

Mr. Tapas Kumar Adhikari,
Mr. Naranarayan Ganguly
...for the State

Mr. Debanik Banerjee,
Mr. Aniruddha Ganguly
...for the respondent nos. 5 to 7

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

Learned counsel appearing for the petitioner
submits that, pursuant to a direction of this Court
dated November 11, 2021 passed in W.P.A. No. 15370
of 2021, the CESC Limited restored the electricity
connection in favour of the petitioner.

It is submitted, by placing reliance on the said
order, that the writ court took into consideration the
pendency of a civil suit between the private
respondents-landlords and the petitioner-tenant, as

well as the subsisting order of injunction prevailing therein, restraining the private respondents from changing the nature and character of the suit property and/or disturbing the peaceful possession of the petitioner in respect of the premises-in-question.

Even thereafter, this Court had directed the CESC Limited to restore the electricity connection. However, subsequently, upon such connection being given, the private respondents-landlords are creating disturbances to the petitioner, it is submitted, by being instrumental for disconnection of the electricity supply to the petitioner again. As such, the petitioner gave a representation to the Deputy Manager (Commercial), South Division, CESC Limited on March 22, 2022, requesting restoration of power supply to the premises where the petitioner is living.

Learned counsel appearing for the CESC Limited places reliance on the reply of the CESC Limited to the initial communication of the petitioner, annexed at Page 118 (Annexure P-26) of the instant writ petition, which discloses, inter alia, that the supply to all three meters installed at the premises-in-question remain unaffected and that, in spite of that, if the petitioner did not receive supply, the petitioner has to check the internal wiring installations including controlling main switch/MCB, which do not fall under the jurisdiction of the Licensee.

Moreover, it is submitted, the CESC Limited, under the extant law and regulations as well as procedure, could not have acted upon the general representation of the petitioner dated March 22, 2022 seeking for shifting of the electricity supply due to resistance allegedly created by the private respondents. However, in the event a regular application is made in proper form for such shifting, the CESC Limited is bound to consider the same in accordance with law.

Learned counsel appearing for the private respondents denies the allegation of the petitioner that the private respondents have been flouting the order of this Court. However, it is contended that, in the garb of shifting the electricity connection, the petitioner is seeking to encroach upon a portion of the disputed property, which has not been hitherto occupied by the petitioner.

Upon hearing learned counsel for the parties, it is clear from the communication dated March 24, 2022 from the end of the CESC Limited (Annexure P-26 at page 118 of the writ petition) that, in the version of the CESC Limited, the electricity supply from the end of the Distribution Licensee still remain unaffected. In the said communication dated March 24, 2022, the CESC Limited has further indicated that in the event no supply was being received by the petitioner due to

internal wiring difficulties, the petitioner was to take steps in accordance with law.

In any event, if the electricity connection of the petitioner was disrupted by the private respondents internally within the premises, beyond the point of connection given by the Distribution Licensee, it is for the petitioner to move a competent civil court for implementation of its order of injunction and/or seeking a fresh relief against the private respondents in such respect, in the light of the previous direction of this Court.

However, since the CESC Limited takes a specific stand that there has been no disturbances to the electricity supply from the end of the CESC Limited, it will be open to the petitioner to approach the competent civil court for seeking appropriate relief in respect of implementation of the injunction order passed by the civil court and/or any other appropriate order, if deemed necessary.

Alternatively, the petitioner will be at liberty to apply for shifting of the electricity meter of the petitioner from the existing location to an alternative location at the premises.

If such an application is made by the petitioner, the CESC Limited shall decide the same in accordance with law, upon giving adequate opportunity of representation and hearing to the petitioner as well

as the private respondents, at the earliest after making such application, preferably within three weeks from such application being made.

This Court has not gone into the merits of the writ petition and it will be open to both sides to urge their respective rights before the appropriate authority including the civil court and the CESC Authorities at an appropriate juncture.

W.P.A. 7821 of 2022 is, thus, disposed of in the light of the above observations.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)