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07.06.2022
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WPA No.8800 of 2022

Anmol Management Services Private
Limited and another
Vs.
The Calcutta Electric Supply Corporation
Limited and others

Mr. Nirmalya Dasgupta,
Mr. R. L. Mitra

.... for the petitioners

Dr. Madhusudan Saha Roy

.... for the CESC Limited

Learned counsel for the petitioners submits that the electricity connection of the petitioners has illegally been severed at the instance of the respondent no.4-association and respondent no.5.

It is submitted that, by raising a frivolous dispute regarding alleged non-payment of dues by the petitioners, the said act was perpetrated. The petitioners pray for restoration of their connection, alternatively for permission to restore such connection in the presence of the officials of the Calcutta Electric Supply Corporation Limited (for short “the CESC Limited”).

Learned counsel appearing for the CESC Limited, however, submits that there is no legal provision for the CESC Limited to enter into a private dispute and/or to supervise the activities done by a consumer in respect of the internal wiring etc.

In the present case, admittedly there is a dispute between the petitioners and the respondent nos.4 and 5 as regards alleged non-payment by the petitioners. In the garb of passing a direction on the CESC Limited, the writ court cannot decide such issue, which falls within the domain of a private, civil dispute between the petitioners and the private respondents.

That apart, since the disconnection was not done by the CESC Limited, even as per the allegation levelled by the petitioners, there is no scope of the CESC personnel being directed to be involved in the said private dispute of the petitioners and the private respondents.

Hence, there is no scope of interference in any manner as sought by the petitioners, even by moulding the reliefs sought in the writ petition. Thus, WPA No.8800 of 2022 is dismissed without any order as to costs.

It is made clear that the merits of the allegations of the petitioners against the respondent nos.4 and 5

have not been gone into by this court while passing the above order and it will be open to the petitioners to urge all such points before whatever legal forum the petitioners are entitled to move.

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.)