

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 18446 of 2022

Mohammad Zakaria
Vs.
Calcutta Electric Supply
Corporation & Ors.

Mr. Maidul Islam Kayal,
Mr. Sumit Naskar
...for the petitioner

Mr. Suman Ghosh
...for the CESC Limited

Mr. Asish Kumar Guha,
Mr. J.K. Gupta
...for the State

Despite service, none appears for the private respondent, although the petitioner, the CESC Limited and the State-respondents are represented through counsel.

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

It is contended by learned counsel for the petitioner that due to objection raised by the private respondent, the CESC Limited could not give electricity connection to the petitioner.

However, learned counsel appearing for the CESC Limited points out that the application made by the petitioner was in respect of premises No. 187,

Mahatma Gandhi Road. An inspection of the said premises revealed that the petitioner is in possession of premises No. 187/2, Mahatma Gandhi Road. However, it is submitted that, apart from a written objection having been made against giving of a new electricity connection to the petitioner, the existing meter board location is extremely unsafe for security hazards point of view. That apart, a fresh application is to be made by the petitioner giving the correct address of the petitioner.

Upon hearing learned counsel for the parties, it transpires that the petitioner's application, although not annexed to the writ petition, is defective in the perception of the CESC Limited.

There being nothing on record to refute such perception of the CESC Limited, it is deemed that the petitioner's application is defective.

W.P.A. No. 18446 of 2022 is disposed of by granting liberty to the petitioner to take out a fresh application requesting for new electricity connection before the CESC Limited quoting his correct address.

Upon such application being made, the CESC Limited shall process the same and hold an inspection to ascertain the feasibility of giving a new electricity connection to such location.

In the event the CESC Limited is of the opinion that written objections have been filed on behalf of the

private respondent or any third party, the CESC Limited will be at liberty to refer such dispute to the concerned District Magistrate.

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.)