

15th December,
2022
(AK)
01-02

CPAN 928 of 2022
With
W.P.A 8355 of 2022

Omkar Shaw
Vs.
Mr. Biplab Dutta and others

Mr. Amitava Das
Mr. Partha Sarathi Maitra
...for the petitioner.

Mr. Somenath Bose
Mr. Suman Ghosh
...for the CESC Limited.

Mr. Anjan Bhattacharya
Mr. Sunny Nandy
Mr. Purnendu Maity
...for the alleged contemnors.

Ms. Riya Das
Mr. Tamal Singha Ray
...for the intervener.

At the outset, Ms. Riya Das, having instruction to appear for a proposed intervener, submits that the said proposed intervener is a co-owner of the premises and the connection is being taken from the proposed intervener's wiring.

However, in view of the dispute involved in the present contempt application being limited, there is no scope of widening the ambit of adjudication thereof by adding other co-owners unnecessarily.

The dispute which has arisen is that, allegedly due to the resistance put up by the private respondent nos.2

to 4, the CESC Limited is not being able to give electricity connection to the petitioner.

A report submitted by the CESC Limited indicates that the CESC Limited personnel visited the premises and, upon inspection, found out that the internal installation wirings of the petitioner were in a dangerous condition with punctured and frayed insulation and outgoing loop of the main switch not being properly connected, which was causing disruption of supply.

As such, it is submitted that although the connection to the premises is live, disruption is occurring to the electricity supply of the petitioner due to the defects in the internal wiring.

Since the maintenance of internal wiring is beyond the domain of functioning of the CESC Limited (Distribution Licensee), there is no scope for granting any further direction to the CESC Limited, since the connection is already live at the premises.

However, the petitioner is granted leave to take necessary action for immediate repair of the internal wiring at the premises.

In the event the petitioner is obstructed by the private respondents or others, the petitioner will be at liberty to approach the local police station for adequate police assistance.

If so approached, the police, upon assessment of the threat perception, if any, shall take steps for giving

such assistance to the petitioner, if necessary, at the cost of the petitioner.

It is made clear that the electricity connection of the petitioner, if restored, shall not create any special equity or right in favour of any of the parties unless they otherwise have such equity or right in law.

Accordingly, CPAN 928 of 2022 is disposed of.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)