

D/L 23 & 24
March 29, 2023.
MNS

WPA No. 1361 of 2023

Ashok R Mansata
Vs.
The Calcutta Electric Supply Corporation
Limited and others

With

WPA No. 26064 of 2022

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CAN 1 of 2023

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CAN 2 of 2023

Nima Mukhia
Vs.
The CESC Limited and others

Mr. Aniruddha Mitra

.... for the petitioner in
WPA No. 1361 of 2023

Dr. Madhusudan Saha Roy

....for the CESC Limited in
WPA No. 1361 of 2023

Mr. Debanjan Mukherjee,
Mr. Aniruddha Ganguly

....for the petitioner in
WPA No. 26064 of 2022
& applicant in CAN 1 of 2023

Mr. Saurav Chaudhury

....for the CESC Limited in
WPA No. 26064 of 2022

Mr. Abhishek Sikdar,

....for the respondent no.3 in
WPA No. 26064 of 2022
& applicant in CAN 2 of 2023

Mr. Tarun Kumar Ghosh,
Ms. Mitali Mukherjee

....for the State.

CAN 1 of 2023 and CAN 2 of 2023 are taken up for hearing together in view of the crux of the prayers in both the applications being same.

It is pointed out by learned counsel for the applicants in both the said applications that in the internal page 5 of the order of this Court dated February 17, 2023 passed in WPA No. 1361 of 2023 and WPA No. 26064 of 2022, it was recorded in the penultimate paragraph that learned counsel appearing for one of the private respondents and the owner of 66/1 had submitted that two service connections cannot be given to the same premises as per the procedure of the Distribution Licensee itself.

It is candidly submitted on behalf of the applicants in both the matters that there was a communication gap between the said private respondent and his counsel and, as such, the submission as regards two service connections being given to the same premises was incorrect.

Learned counsel for the applicants as well as for the CESC Limited place reliance on a communication dated February 28, 2023 made by the CESC Limited, which indicates that, on inspection, it was revealed that the CESC Limited does not have an existing service connection at premises no. 66/1, Chowringhee Road, and a supply can only be provided by laying a new service cable.

In view of such revelation in the inspection of the CESC Limited itself, it is clear that the submission, which

was recorded in the order, as indicated above, regarding there being a previously existing service connection, was erroneous. Hence, the order dated February 17, 2023 passed in the aforesaid two writ petitions be deemed to stand corrected to the effect that there was no pre-existing service connection at the premises No. 66/1, Chowringhee Road.

Since the rest of the directions have been complied with by the parties, it is hereby recorded that Nima Mukhia, the petitioner in WPA 26064 of 2022 is entitled to a new service connection at the premises-in-question. Since Nima Mukhia has already applied for a new service connection and there is no further impediment to give such connection to the said petitioner in view of there being no pre-existing service connection at the premises, the CESC limited shall give such connection to the petitioner upon compliance of all formalities by the said petitioner, namely, Nima Mukhia.

In the event any obstruction is raised from any corner in such connection being given to the premises, it will be open to the CESC Limited personnel to approach the appropriate police station for adequate police assistance, which shall be given at the cost of the said Nima Mukhia.

However, the erroneous submission made on the previous occasion by learned counsel appearing for the private respondent-owner of 66/1 Chowringhee Road is deprecated. It is expected that the party on behalf of whom

the said submission was made, shall be cautious in future that the Court is not misled to pass an order on an erroneous submission.

With the above observations, the applications, being CAN 1 of 2023 and CAN 2 of 2023, are disposed of.

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.)