

20th March,
2023
(AK)
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W.P.A 1863 of 2023

Uttara Biswas
Vs.
Calcutta Electric Supply Corporation Limited and others

Ms. Sohini Bhattacharyya
Ms. Ruchita Sharma
...for the petitioner.

Mr. Debanjan Mukherjee
...for the CESC Limited.

Mr. Rajarshi Basu
Mr. K.M. Hossain
...for the State.

Ms. Rupsa Sreemani
...for the respondent nos.4 to 7.

Learned counsel for the CESC Limited files an affidavit-in-opposition on behalf of the CESC Limited, indicating that service of a notice was effected properly prior to holding an inspection at the premises-in-question in connection with the allegation raised by the petitioner that the private respondents have been given an illegal electricity connection.

The annexures to the affidavit-in-opposition furnishes sufficient *prima facie* proof that the service of notice was effected through an in-house courier of the CESC Limited and was accepted on behalf of the petitioner at the premises-in-question.

Learned counsel for the petitioner submits that the person who accepted notice on behalf of the petitioner is

the alleged caretaker of the premises and could not furnish proper information to the CESC personnel.

However, such pretext is considered to be flimsy, since good service was effected, as the copy of the writ petition was sent to the correct address of the petitioner as given in the writ petition and was received on behalf of the petitioner.

That apart, the inspection report filed by the CESC Limited clearly indicates that there is no illegality being committed at the premises.

As such, there is no reason why the electricity connection enjoyed by the private respondents should be disconnected by the CESC Limited.

In view of such findings, there is no scope of granting any relief to the petitioner inasmuch as the prayer for electricity connection of the private respondents being disconnected is concerned.

Accordingly, WPA 1863 of 2023 is dismissed without any 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.)