

28th March,
2023
(AK)
02

W.P.A 1434 of 2020

Md. Ajamtullah
Vs.
Calcutta Electricity Supply Corporation Limited and
others

Mr. Falguni Bandyopadhyay
Ms. Riya Ballav
...for the petitioner.

Mr. Amitava Chaudhuri
Mr. N. Roy
...for the CESC Limited.

Mr. Abdul Zahid
Ms. Zohaib Rauf
...for the respondent nos.3 & 4.

Learned counsel for the petitioner contends that the petitioner is in occupation of premises no.21/B, Ashutosh Chowdhury Avenue, Kolkata-700019 and has applied for electricity.

However, it is submitted that such electricity connection could not be given by the CESC Limited due to resistance put up by the private respondent.

The contention of the private respondent is that the petitioner has not shown any proof regarding his occupation of the premises for which the electricity connection was sought.

As such, it is contended that the electricity connection sought in the present writ petition ought not to be directed to be given to him.

Learned counsel appearing for the CESC Limited places a communication by the CESC Limited annexed at page 31 of the writ petition, which indicates that the address at which the petitioner received such communication was 20/1, Ashutosh Chowdhury Avenue.

The private respondent is justified in pointing out that there is palpable discrepancy in the description of the address of the petitioner insofar as the annexures to the present writ petition are concerned.

A purported rent receipt annexed at page-16 of the writ petition indicates that the petitioner is running a shop situated at 20/1, Ashutosh Chowdhury Avenue, Kolkata-700019, “with Masjid” at Ballugunj Phari.

However, a purported licence agreement, a copy of which has also been annexed to the writ petition, shows that a leave and licence agreement was entered into between the petitioner and the purported owner in respect of Premises No.21/B, Ashutosh Chowdhury Avenue.

A trade license annexed to the writ petition also indicates that the petitioner is running his workshop at 21/B.

However, the Voter Identity Card of the petitioner, a photocopy of which is annexed to the writ petition, shows that the petitioner is a resident of 22, Ashutosh Chowdhury Avenue.

There may be justification in the submission of the petitioner that the petitioner is running a shop at the premises of which he has annexed a photograph to the writ petition, while he is a resident of 22, Ashutosh Chowdhry Avenue.

Be that as it may, since the petitioner obviously applied for electricity connection to Premises no.20/1, that is, the address at which commutation was made by the CESC Limited with the petitioner, there is no scope of allowing the prayer of the petitioner to grant electricity connection at Premises No.21/B.

Hence, there is no scope of granting any relief.

Accordingly, WPA 1434 of 2020 is dismissed on contest.

However, it is made clear that since the petitioner has produced certain documents to indicate that he is running a shop at Premises no. 21/B, Ashutosh Chowdhry Avenue, Kolkata-700019, nothing in this order shall preclude the petitioner from applying afresh for an electricity connection at the said premises, that is, at Premises no. 21/B, Ashutosh Chowdhry Avenue.

If such an application is made, upon compliance of all due formalities by the petitioner, the CESC Limited shall give such connection in accordance with law.

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.)