

17th March,
2023
(AK)
04

W.P.A 4833 of 2023

Shailendra Singh
Vs.
The CESC Limited and others

Mr. Madan Murari Verma
Ms. Punam Verma
Mr. Abhishek Verma
Mr. Ritobrata Singha Roy
...for the petitioner.

Mr. DEbanjan Mukherjee
...for the CESC Limited.

Mr. Kushal Chatterjee
Mr. Debrup Chowdhury
Mr. R. Manna
...for the respondent no.4.

Learned counsel for the CESC Limited submits at the outset that upon an inspection and scrutiny of the records, it was found that the petitioner's father is at present enjoying a commercial connection at the premises-in-question and, as such, there is no further impediment to give a domestic connection in the petitioner's name.

Learned counsel appearing for the private respondent submits that the petitioner is not in possession of the premises.

It is further contended that in a civil suit, the present petitioner admitted that he is not in possession of the second floor of the premises but his father is in occupation thereof.

However, the present domestic connection is being sought at the second floor, for which the petitioner is not entitled, not being in occupation.

Thirdly, learned counsel for the private respondent argues that the giving of an electricity connection may create an equity and rights in favour of the petitioner which the petitioner otherwise does not have in law.

Learned counsel appearing for the petitioner controverts the contentions of the petitioner and submits that since the CESC itself had refused to give a new domestic connection to the petitioner previously on the precise ground that the petitioner is already enjoying a different connection at the same premises, there is no scope of argument that the petitioner is not in occupation of the premises.

Upon hearing learned counsel for the parties, it is seen that inasmuch as the CESC Limited is concerned, the said entity is estopped by its own previous admission to the effect that the petitioner is already enjoying an electricity connection at the premises, from disputing the possession of the petitioner.

Although the rigour of such estoppel does not bind the private respondent, the private respondent does not have any direct *locus standi* to prevent the petitioner from taking an electricity connection at the premises otherwise.

Inasmuch as the apprehension of the private respondent with regard to an equity being created in favour of or conferred on the petitioner by virtue of the electricity connection, the same does not hold water, since the same, in any event, will not create by itself any special right or equity which the petitioner otherwise does not have in law.

Hence, WPA 4833 of 2023 is disposed of by directing the CESC Limited to give electricity connection to the petitioner at the premises-in-question upon compliance of all formalities by the petitioner in that regard, preferably within a fortnight from the date of compliance of such formalities by the petitioner.

In the event any obstruction is raised by the private respondent and/or his men and agents in the CESC personnel getting access to the location of the existing meter board, it will be open to the CESC personnel to approach respondent no.3, the Officer-in-Charge of the Belghoria Police Station who, upon such approach, shall provide adequate police assistance in that regard and shall empower his personnel to remove any padlock or other hindrance, if put up to prevent the CESC personnel from having access to the said location.

The police help will be given at the cost of the petitioner and by acting on a server copy of this order, without insisting upon prior production of a certified copy, for the purpose of compliance.

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.)