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17.04.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 6826 of 2023

Mohamad Mujeeb Khan
Vs.
Calcutta Electric Supply
Corporation Limited & Ors.

Mr. Falguni Bandyopadhyay,
Mr. Debesh Halder,
Mr. Amit Das
...for the petitioner

Dr. Madhusudan Saha Ray
...for the CESC Limited

Mr. Suvajit Bose
...for the respondent no. 3

Learned counsel appearing for the parties file their affidavit-in-opposition and affidavit-in-reply respectively in Court today, which be kept on record.

It transpires from the records that the petitioner claims to be an illiterate person. As such, it is contended, there was an error in making the application, which was made in the name of Mujeed Khan instead of Mujeeb Khan.

Learned counsel appearing for the Calcutta Electric Supply Corporation Limited (CESC Limited) submits that there were outstanding dues in the name of the petitioner and since there is defect in the application for getting new connection, the same could not be

granted by the CESC Limited, more so, since the outstanding dues still remain unpaid.

Although the petitioner does not admit such outstanding dues, the occasion to deal with the same is premature at this point of time, since the petitioner had applied in a wrong name for getting electricity connection.

Accordingly, W.P.A. No. 6826 of 2023 is disposed of by granting liberty to the petitioner to apply for a new electric connection afresh in correct name, furnishing all particulars for getting new electricity connection at the premises-in-question.

However, it is made clear that it will be open to the CESC Limited to make legitimate claims from the petitioner, if the CESC Limited is so entitled, in accordance with law prior to giving such connection to the petitioner and/or as a precondition for giving such connection to the petitioner.

It is also made clear that the merits of the allegations regarding the purported outstanding dues are not gone into by this Court at this juncture.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)