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10.05.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 10642 of 2023

Shailesh Khunteta & Anr.

-vs.-

CESC Limited & Ors.

Mr. Asif Hussain,

Ms. Labani Pan

...for the petitioners

Mr. Debanjan Mukerjee

...for the CESC Limited

Mr. Adil Rashid,

Mr. Sajal Manti Bhattacharya,

Mr. Vivek Paswan

...for the private respondent

It is submitted at the outset by learned counsel for the CESC Limited that the present challenge has become infructuous.

Learned counsel appearing for the CESC Limited as well as the private respondent place reliance on an order dated May 03, 2023 passed in W.P.A No. 7862 of 2023, which was filed by the private respondent therein. In the said order, the writ petition had been disposed of by setting aside the notice dated March 23, 2023, inter alia observing that nothing in the said order shall preclude the respondent no. 3 therein and/or the father of the respondent no. 3, if in occupation, and/or any other occupier of the premises-in-dispute from applying for a fresh electricity connection in respect of the premises. If such an

application is made, subject to satisfaction of the CESC Limited with regard to occupation of the applicant and upon compliance of all formalities under the process of law by the applicant, the CESC Limited shall give such connection to such applicant.

Since the present writ petition was filed prior to the said order being passed with a similar prayer, that is, to restore the electricity supply of the present petitioner, it is argued that the present writ petition has been rendered infructuous.

Learned counsel appearing for the petitioner submits that, to bring on record certain subsequent facts, the petitioner had initially sought to file a further affidavit.

However, a perusal of the order dated May 03, 2023 passed in W.P.A. 7862 of 2023 clearly reveals that the grievance of the petitioner has already been dealt with by giving liberty to the present petitioner to file an application for new connection at the premises.

The CESC Limited was also directed, upon being satisfied regarding occupation of the petitioner and all formalities being complied with, to give such connection.

Hence, the respondents are justified in submitting that the present writ petition has become infructuous.

Accordingly, W.P.A. No. 10642 of 2023 is disposed of as infructuous in the light of the above observations.

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.)