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MAT/1763/2022
IA NO: CAN/1/2022
RANU SEN
VS
THE CALCUTTA ELECTRICITY SUPPLY
CORPORATION (CESC) LIMITED AND ORS.

Mr. Arijit Chatterjee
..for the Appellant.

Mr. Debanjan Mukherji
..for CESC.

Mr. Sandip Ghosh,
Ms. Moumita Ghosh,
Ms. Mousumi Chatterjee,
Mr. Partha Sarkar
..for the Respondent No.9.

By this intra court appeal the private respondent no.6 in the writ petition has challenged the order of the learned Single Judge dated 28th September, 2022 disposing of WPA 22292 of 2022 with certain directions.

The writ petition was filed by the respondent no.9 herein with the plea that he was inducted as tenant in the premises by one Shyamal Kanti Biswas who had subsequently died and had permitted the writ petitioner to continue till he desires. Further plea was raised that an application for electricity connection filed for the tenanted premises was rejected by the CESC, therefore, in the petition a direction was sought against the CESC to install the electricity connection to the petitioner's

tenanted premises.

Learned Single Judge by the impugned order has taken a note of the stand of the CESC about the difficulty relating to splitting of existing load and imminent fire and electrical hazards and has permitted the writ petitioner to approach the concerned GRO with the dispute raised in the petition and directed the GRO to give an opportunity of hearing to the parties and decide the issue in accordance with law.

Limited submission of learned counsel for the appellant is that in the impugned order the writ petitioner has been found to be a tenant whereas the title suit in this regard is already pending and that the appellant had no opportunity to file affidavit-in-opposition before the learned Single Judge, therefore, this fact could not be brought on record that the writ petitioner was not a tenant in the premises. He has not disputed that the writ petitioner is in occupation of the premises.

Learned counsel for the writ petitioner submits that the writ petitioner is a tenant but he does not dispute that the said issue cannot be decided in writ jurisdiction.

Hence, we dispose of the appeal by deleting that part of the order of the learned Single Judge whereby the writ petitioner has been recorded to be a tenant.

Learned counsel for the CESC has pointed out that on the application of the writ petitioner the matter has already been referred to the GRO for deciding the issue relating to new connection and the feasibility of granting the new connection.

It will be open to all the concerned parties to file their respective documents and raise the plea permissible in law in this regard before the GRO in accordance with law.

The appeal is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

