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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 25934 of 2023

Surajit Majumdar
Vs.
CESC Limited & Ors.

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder,
Ms. Neha Singh
...for the petitioner

Ms. Smita Das De
...for the CESC Limited

1. Despite service, none appears for the private respondents at the time of call.
2. Affidavit of service filed in Court today be kept on record.
3. Learned counsel for the petitioner submits that the petitioner is a tenant in respect of the property. Initially, the petitioner was enjoying electricity from the connection of the private respondents/landlords. Subsequently, the same has been disconnected and the private respondents have instituted an eviction suit against the petitioner, which is pending. It is, thus, argued that there is no nexus between the petitioner and the private respondents.

4. Learned counsel for the CESC Limited contends that initially inspection was held twice by the CESC personnel for the purpose of ascertaining the feasibility of giving electricity connection to the petitioner, but it was found that the petitioner was enjoying electricity from the connection of the private respondents, for which such connection was refused to the petitioner on the ground of splitting of load. However, subsequently, it has been ascertained that the electricity supply to the landlords have been disconnected due to non-payment. It is contended that since the petitioner was the beneficiary of the electricity connection of the landlords all along and apparently due to non-payment of rent by the petitioner, the disconnection has been effected, the petitioner is required to pay all the dues left by the landlords for the previous connection for giving a new connection to the petitioner. On such payment, a loop meter can be given to the petitioner from the existing meter board position.

5. Although learned counsel for the petitioner disputes that there is any nexus between the petitioner and the landlords, it transpires from the arguments of the CESC

Limited that the CESC Limited has a point there. Insofar as the petitioner having used the electricity connection from the concerned disconnected supply all along, it can very well be said that the petitioner was a beneficiary and had a nexus for the purpose of the CESC Limited insisting upon pre-payment of the entire dues.

6. At this point, learned counsel for the petitioner submits that his client is willing to deposit the entire outstanding dues left by the landlords for the erstwhile connection. Accordingly, there cannot be any further impediment in giving a new electricity connection to the petitioner.

7. Hence, W.P.A. No. 25934 of 2023 is disposed of by directing the CESC Limited to give a new electricity connection to the petitioner by way of a loop meter from the existing meter board position of the premises-in-question, subject to the petitioner paying all outstanding dues to the tune of Rs.6340/- left by the landlords for the previous meter, reconnection charges and all other dues as well as complying with all due formalities. Such connection shall be given within a fortnight

from the date of such compliance of formalities by the petitioner.

8. In the event any objection is raised by the private respondents and/or their men and agents in doing so, it will be open to the CESC personnel to approach the respondent no. 3, that is, the Officer-in-Charge, Parnasree Police Station, who will act on a server copy of this order at the behest of the CESC Limited and give necessary police assistance to them for the purpose of implementing the above direction. Such police assistance will be given at the cost of the petitioner.

9. The police-authorities will be free to break open the padlock or other hindrance, if put up by the private respondents to hinder the CESC personnel from giving such connection to the petitioner.

10. It is made clear that such electricity connection, if given to the petitioner, shall not create any special right or equity in favour of the petitioner which the petitioner does not otherwise have in law and shall not prejudice the rights and contentions of the petitioner and the private respondents in the pending suit between the said parties.

11. There will be no order as to costs.

12. 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.)