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11.03.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 4111 of 2024

Sanil Chandran
Vs.
The State of West Bengal & Ors.

Mr. Sounak Bhattacharyya,
Mr. Sounak Mondal,
Mr. Abhirup Halder
...for the petitioner

Mr. Arjun Roy Mukherjee,
Mr. Subhendu Sengupta
...for the State

Mr. Rajiv Lall
...for the CESC Limited

Mr Manik Lal Poddar
...for the respondent no. 6

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner argues that the petitioner is in occupation of the subject-property. The private respondent/landlord has initiated an eviction suit against the petitioner, which is now pending. It is submitted that the petitioner is, thus, entitled to electricity connection and applied for the same, but it has not been given by the CESC Limited.
3. Learned counsel for the CESC Limited submits that the writ petition ought to be dismissed on several counts. First, the petitioner has not

disclosed his locus standi to file the present writ petition. Among the two previously existing electricity connections in the premises, one was in the name of M/s. Elgin Dyers and Cleaners and the other in the name of Smt. Nalini R. Chandran. Insofar as the latter is concerned, the consumer Nalini has died long back. The petitioner, however, has not disclosed his connection with either of the two consumers.

4. Secondly, it is submitted that the petitioner has suppressed in the writ petition that there was written communication by the CESC Limited to the petitioner with regard to the requirement of clearances from the Fire Services Authorities and the Police Authorities, since a fire broke out in the premises in the month of January, 2024, upon which connection had to be severed. For getting a reconnection, such clearances are required.

5. Learned counsel for the private respondent submits in unison with the CESC Limited that the petitioner is not entitled to electricity connection at the premises.

6. Upon hearing learned counsel appearing for the parties, it transpires that the petitioner claims possession in respect of the property on primarily two counts. First, the petitioner is the defendant in an eviction suit filed by the private respondent/landlord where the petitioner's

possession has obviously been admitted by the private respondents. Secondly, the petitioner claims electricity in the dual capacity of the existing proprietor of M/s. Elgin Dyers and Cleaners after the demise of his mother and as the son of his mother, Smr. Nalini R. Chandran.

7. However, from a bare perusal of the writ petition it is not seen that such capacities have been disclosed by the petitioner at all. However, since the petitioner, in any event, is the defendant in an eviction suit of the private respondent/landlord, the prima facie occupation of the petitioner of the property cannot be outright denied.

8. In such view of the matter, the writ petition is entertained by holding that if not otherwise, on the ground of being in occupation of the property, the petitioner is entitled to maintain the writ petition seeking electricity connection.

9. Be that as it may, W.P.A. No. 4111 of 2024 is disposed of by granting liberty to the petitioner to make an application for transfer of the name in respect of the meter standing in the name of his deceased mother (as claimed by him), Smt. Nalini R. Chandran, as well as to seek a reconnection of the electricity supply given to M/s. Elgin Dyers and Cleaners in the capacity of its proprietor.

10. If such application(s) is/are made, upon due satisfaction of the CESC Limited regarding the entitlement of the petitioner in both such capacities and upon obtaining due clearance from the fire service authorities and the police authorities, the CESC Limited shall restore the connection and carry out the transfer to the petitioner, if the petitioner is otherwise found eligible and subject to compliance of all formalities by the petitioner.

11. It is expected that such exercise shall be carried out by the CESC Limited by processing the application of the petitioner, if so made, within a period of three weeks from the date of compliance of the formalities by the petitioner.

12. There will be no order as to costs.

13. 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.)