

28th March,
2024
(AK)
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W.P.A 6707 of 2024

Mrs. Mithu Das and another
Vs.
The CESC Limited and others

Mr. S. B. Dasgupta
...for the petitioners.

Mr. Debanjan Mukherjee
Mr. Aziz Amim
...for the CESC Limited.

1. Affidavit-of-service filed in court today be kept on record.
2. Learned counsel for the petitioners submits that the petitioners had entered into an agreement for purchase of the property where the petitioners are residing with the private respondents.
3. However, subsequently, the private respondents having refused to execute a deed of sale, the petitioners have approached the civil court.
4. In the interregnum, at the behest of the private respondents, the electricity meter at the premises, from which the petitioners were enjoying electricity supply, has been disconnected on the instruction of the private respondents, thereby creating extreme hardship to the petitioners, who are already in possession of the property.

5. It transpires from the affidavit-of-service that service has not yet been completed on the private respondents.
6. However, it appears from the submissions of parties that the CESC Limited is agreeable to give electricity connection to the petitioners from the existing meter which was disconnected at the behest of the erstwhile consumer, that is, the private respondents.
7. In view of the extreme urgency involved, since electricity is a basic necessity of life and a part of the right to life as enshrined in Article 21 of the Constitution of India, the court ought not to wait for service to be completed against the private respondents, particularly since no rights of the private respondents or title to the property is being decided.
8. The utmost prejudice which the private respondents could claim could be that their civil rights would be prejudiced, regarding which this court intends to put in a specific rider in the proposed order.
9. Accordingly, the matter is being decided finally in the absence of the private respondents.
10. WPA 6707 of 2024 is disposed of by directing the CESC Limited to give a new electricity connection to the petitioners from the existing meter at the

premises-in-question, subject to the petitioners applying for a new connection and complying with all formalities, within a fortnight from completion of such formalities by the petitioners, by treating the previous connection and the jural relationship between the private respondents and the CESC Limited to be terminated in view of the successive notices by the private respondents to the CESC Limited dated November 9, 2023 and November 17, 2023 whereby the CESC Limited was first asked to disconnect the supply standing in the name of the private respondents and then to sustain such disconnection.

11. It is, however, made clear that such electricity connection, as and when given to the petitioners, shall not create any special right or equity in favour of the petitioners which the petitioners do not otherwise have in law and shall not prejudice the rights and contentions of either the petitioners or the private respondents in the pending civil litigation between the parties.
12. There will be no order as to costs.
13. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)