

Court No. 22

24.4.2024

(Item No. 20)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 7473 of 2024
(Assigned)

Mr. Roy George Mantosh

VS

C.E.S.C. Ltd. & Ors.

Mr. Partha Pratim Roy

Ms. Smruti Rekha Das

..... for the petitioner

Mr. Ashok Kumar Sarkar

.... For the State

Mr. Pathik Bandhu Banerjee

.... For C.E.S.C.

Mr. Bhudeb Chatterjee

Mr. Sailesh Mishra

Mr. Prosenjit Das

.... For respondent Nos. 5 & 6

Affidavit of service filed on the previous occasion is already on record.

This is an assigned writ petition.

Considering the issue involved in this writ petition in presence of the parties, this Court proceeds for its final disposal.

The petitioner claims electricity supply as a co-owner at **premises No. 16/1/1, Raja Santosh (Roy) Road, Kolkata – 700 027, P.S. Chetla (said premises)**. The respondent Nos. 5 and 6 are the sister and brother-in-law of the petitioner who allegedly have obstructed the installation of electricity supply when the CESC people went to provide the supply on **February 8, 2024**.

Mr. Partha Pratim Roy, learned counsel appears for the petitioner.

Mr. Bhudeb Chatterjee, learned counsel appears for respondent Nos. 5 and 6.

Mr. Pathik Bandhu Banerjee, learned counsel appears for respondent Nos. 1 to 3.

Mr. Ashok Kumar Sarkar, learned State counsel appears for respondent No. 4.

Both the petitioner and the respondent Nos. 5 and 6 submit that, there are several property disputes by and between them arising whereof several litigations including civil litigations are pending before the jurisdictional Civil Court. The respondent Nos. 5 and 6 alleged diverse miss-behavior and attempt for encroachment of the property against the petitioner and similar allegations are also made by the petitioner against the respondent Nos. 5 and 6. However, all these allegations and counter allegations relate to the property disputes and the substantive proceedings are pending before the jurisdictional Civil Court.

More so, right to obtain an electricity supply upon compliance of all statutory formalities is a legal right. Pendency of civil disputes between the co-sharers of a particular premises, cannot stand in the way for obtaining electricity connection by the co-sharers.

It is pertinent to note that the said premises is not partitioned as yet by metes and bounds, as submitted by the parties.

The petitioner has already applied for obtaining electricity supply from the CESC Limited on **January 10, 2024, Annexure P-2** at **page 16** to the writ petition.

In view of the above, it is the statutory duty of the CESC Limited to provide electricity connection to the petitioner forthwith.

Upon compliance of all the statutory requirements and upon payment of all necessary charges, the CESC authority, namely, respondent Nos. 1 to 3 shall provide the necessary electricity supply at the premises in the name of the petitioner **positively within a period of 72 working hours** from the compliance of all the statutory requirements by the petitioner.

On the prayer of the learned counsel appearing for the CESC authority, if necessary, they shall approach before the respondent No. 4, who in turn shall provide all necessary assistance upon payment of usual charges to be paid by the petitioner strictly in accordance with law to enable the CESC authority to discharge its statutory obligation.

It is made clear that, this Court has not gone into the merits of the claims and rival claims of the petitioner and the respondent Nos. 5 and 6 which are the subject matter of the disputes pending between them before the jurisdictional Civil Court.

This order shall not create any right or equity in favour of the petitioner in those pending proceedings before the jurisdictional Civil Court. This order is restricted for providing the electricity connection only to the petitioner and not beyond that. Observation, if any, made in this order shall not be binding upon and influence the jurisdictional Civil Court in any manner while trying the civil disputes by and between the parties.

On the specific undertaking made before this Court by the learned counsel for the respondent Nos. 5 and 6, on instruction, the CESC people shall visit the premises on **May 2, 2024** for installation of electricity supply when the respondent Nos. 5 and 6 shall not create any obstruction whatsoever.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

On the above terms this writ petition being **W.P.A. 7473 of 2024** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)