

16.07.2024
Court No.09
Item no.23
CP

WPA No. 11295 of 2024

Sri Suman Dutta
vs.
CESC Limited & anr.

Mr. Bikash Shaw

.....for the petitioner.

Mr. Suman Ghosh

.....for the CESC Limited.

The writ petition has been filed alleging inaction on the part of the CESC authority in granting new connection to the petitioner at Flat No.00222, 2nd Floor, Uttalika E & C, 405, Mukundapur.

Learned advocate for the CESC Limited submits that the petitioner has not been able to produce any document showing possession of Flat No.00222.

According to the petitioner, a civil suit is pending for specific performance of the contract. The property was allegedly purchased from a third party, one Mr. Jayanta Kumar Roy, but the deed had not been executed. Hence, the suit was filed.

From the averments in the plaint filed in the suit for specific performance of contract, it does not appear that the petitioner was put in occupation of

the premises in question. The address mentioned throughout the writ petition is not the property in respect of which the suit is pending. The petitioner submits that it was a mistake. An order of status quo has been passed by the learned civil court restraining alienation of the property in question, but the order does not record that the petitioner is in possession of either Flat No.00222 or the flat which is the subject matter of the suit.

Under such circumstances, no order can be passed directing supply of connection at the premises mentioned in the writ petition.

If the petitioner can produce any document showing his occupation of Flat No.010222 in future, connection shall be granted in accordance with law.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)