

Item No.87
02.09.2024
Court. No. 9
GB

W.P.A. 11791 of 2024

Ashok Sharma
Vs.
CESC Limited & Ors.

Mr. Indranil Halder

...for the Petitioner.

Mr. Debanjan Mukherjee

...for the CESC.

1. Despite service, none appears on behalf of M/s Jalvir Reality LLP.
2. It appears that on July 22, 2023, on the basis of an online application, the name of the petitioner against Consumer No.25014166000 was changed from Umesh Chandra Gupta (owner) to Ashok Sharma. On July 28, 2023, an objection was received from M/s. Jalvir Reality LLP claiming that they purchased the said property from CEM Asset Reconstruction Private Limited. On August 28, 2023, the supply was reverted back to the name of Umesh Chandra Gupta, who was the original owner in view of the dispute. On November 24, 2023, there was a transfer of the connection from Umesh Chandra Gupta to M/s. Jalvir Reality LLP. On January 15, 2024, M/s. Jalvir Reality LLP prayed for voluntary disconnection of supply. On January 20, 2024, the supply was disconnected. The petitioner prayed for reconnection and transfer of the supply to his name. The same was again reconnected in favour of the petitioner. Again M/s. Jalvir Reality LLP

raised an objection on February 26, 2024 and the supply was reverted back to the name of M/s. Jalvir Reality LLP. The petitioner was accordingly issued a letter with the details.

3. This Court finds that even if the petitioner claims to be an occupant of the premises, M/s. Jalvir Reality LLP claims to be the owner. The supply with the aforesaid consumer number was in the name of the owner. Subsequently, it was transferred to the name of the petitioner. The petitioner claims to be a tenant, but M/s. Jalvir Reality LLP stepped into the shoes of the owner. At the moment, M/s. Jalvir Reality LLP purchased the property from the asset reconstruction company. Thus, CESC reverted the connection to the name of the subsequent owner. In this process, the petitioner is suffering because the original owner asked for disconnection. An occupier is entitled to pray for connection. The petitioner shall apply for new connection and the same shall be processed in accordance with law upon holding on inspection.
4. However, it is made clear that if the petitioner is found to be in possession, connection shall be granted upon compliance of all formalities, from the existing meter board position. It is also made clear that such connection shall not preclude the landlord from taking steps against the petitioner, to evict the petitioner, in accordance with law and the connection will not create

any equity in favour of the petitioner. The connection shall be subject to the result of any civil litigation or any other legal proceeding that may be initiated or decided against the petitioner.

5. Accordingly, the writ petition is disposed of.
6. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)