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20.06.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 11531 of 2022

Shubhasish Chatterjee
alias Subhasish Chatterjee

Vs.

The State of West Bengal & Ors.

Ms. Shohini Chakraborty

Mr. Arijit Sarkar

...for the petitioner

Mr. Suman Ghosh,

Mr. Debanjan Mukherjee

...for the respondent no. 5/CESC

The petitioner seeks restoration of an electric connection in respect of the suit premises.

It is submitted on behalf of the petitioner that there are disputes and differences by and between the petitioner and the private landlord in respect of the subject premises and the electric connection has been wrongly and illegally disconnected by the landlord.

CESC Limited is represented and has filed a report. It appears from the report that in terms of Regulation 55 Clause 7.2, the service line between the main switch and the meter falls under the domain of the consumer. As such CESC Limited has no jurisdiction to enter upon the premises.

Accordingly, there is no fault of CESC Limited and the remedy of the petitioner lies in filing a civil suit.

From a perusal of the Report filed by the CESC Limited, it is evident that there is no fault nor laches of the CESC Limited.

This is purely a private dispute by and between the petitioner and the private landlord, who remains unrepresented. There is no statutory nor contractual duty, which CESC Limited is in breach of. The disputes between the petitioner and the private respondent are purely contractual in nature and cannot be enforced in an indirect manner.

In view of above, WPA 11531 of 2022 stands dismissed granting liberty to the petitioner to file an appropriate action, if so advised, in accordance with law.

(Ravi Krishan Kapur, J.)