

13.08.2024
Sl. No. M/L. 146
ss

W.P.A. 15502 of 2024

**Smt. Papiya Das & anr.
Vs.
The C.E.S.C. Limited & ors.**

Mr. Saibal Basu

...for the petitioners

Mr. Debanjan Mukherjee

... for the C.E.S.C. Ltd.

Affidavit of service is taken on record. Despite service none appears on behalf of the respondent nos.5 and 6.

The petitioners claim to be in possession of a part of the premises at AF 38/3, Khudiram Pally, Talpukur Road, P.S. Sarsuna, Kolkata 700061.

The petitioners submit that they were enjoying electricity from a meter which allegedly stood in the name of the respondent no.5. The property is in the name of the respondent no.5. There are disputes between the parties which allegedly caused the respondent no.5 to disconnect the supply to the portion which was being enjoyed by the petitioners.

Learned Advocate for the C.E.S.C. authorities submits that on inspection it was found that the petitioners lived without electricity. Such inspection was made by the C.E.S.C. authorities after the writ petition had been filed. Thus, the

C.E.S.C. authorities do not dispute either the possession or the separate mess which the petitioners enjoy in the property.

Under such circumstances, the writ petition is disposed of in the absence of the respondent nos.5 and 6 who have not appeared before this Court despite service. The respondent nos.5 and 6 cannot deny grant of electricity to the petitioners as long they are in possession of the property in question, in whatever capacity.

The petitioners will apply for a fresh connection in proper form. If such application is made and other formalities are completed, the C.E.S.C. authorities will grant electricity connection in favour of any one of the petitioners.

It is informed to this Court that the petitioner no.2 is suffering from serious disease and the petitioner no.1 will apply for such connection.

The electricity connection will be given from the existing meter board position by way of a loop meter.

The police authorities shall assist the C.E.S.C. authorities if any dispute arises. Cost of such police aid shall be borne by the petitioners.

It is made clear that no equity can be claimed if such connection is given to the petitioners and such connection shall be subject to the adjudication of the rights of the petitioners to remain in the premises by any competent court.

The petitioner no.1 will apply for electricity within ten days from date and the connection will be given to the petitioners within a month after completion of all formalities.

With the above directions, this writ petition is, thus, disposed of.

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

(Shampa Sarkar, J.)