

Item No.9
07.10.2024
Court. No. 9
GB

W.P.A. 25013 of 2024

Shymal Kundu
Vs.
CESC Limited & Ors.

Mr. Pinaki Ranjan Mitra

...for the Petitioner.

*Ms. Nandini Mitra,
Mr. Debanjan Mukherjee*

...for the CESC.

*Mr. Ashim Ghoshal,
Ms. Sohini Bhattacharya,
Mr. Supriyo Ghosh,
Ms. Susmita Adhikary*

...for the Respondent Nos.3 to 5.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The petitioner claims to be a tenant in respect of the property situated at 69/5, Saikh Para Lane. The respondent nos.3 to 5 claim to be the owners of the property and dispute the claim of tenancy. They have already filed a suit for eviction of the petitioner, inter alia, treating the petitioner to be a trespasser.
3. Thus, the factum of possession of the petitioner in respect of the property is an admitted position. Question is, whether the petitioner is entitled to any electricity. The law is well-settled that, no one can be forced to live in the dark and an occupier of any premise, is entitled to electricity.
4. The petitioner contends that the landlords have already disconnected the supply line from which the petitioner was enjoying electricity.

5. The CESC authorities submit that the inspection could not be carried out due to objection of the landlords.
6. Under such circumstances, the writ petition is disposed of directing the CESC to hold an inspection within 15 days from date, in the presence of the parties, with the help of the police and at the cost of the petitioner. The connection shall be given from the existing meter board position, by way of a loop meter, upon the petitioner complying with all other formalities. The supply shall not create any equity in favour of the petitioner, either in the pending suit or otherwise. The connection shall be subject to the civil litigation. The connection shall be given within 15 days from completion of the inspection and compliance of formalities.
7. Accordingly, the writ petition is disposed of.
8. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)