

09-01-2024
Item no.5 CD
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
(Commercial Division)

FMAT No.551 of 2023
Prakash Bhutoria

-vs-

Tirupati Carrier Limited & Ors.
with
CAN No.1 of 2023

Mr. Abhrajit Mitra, sr. adv.
Mr. Satadeep Bhattacharya, adv.
Mr. Subhrajoti Dey, adv. ...for the appellant

Mr. Arnab Chakraborty, adv.
Mr. Pourush Bandyopadhyay, adv.
Mr. Samik Chatterjee, adv. ...for respondent no.1

Mr. Rajarshi Dutta, adv.
Mr. Sarbajit Mukherjee, adv.
Mr. Joydip Das, adv. ...for respondent no.2

Mr. Sujit Sankar Koley, adv. ...for WBSEDCL

The order dated 8th December 2023 be corrected by replacing the name of Arnab Das, learned advocate for the respondent no.1, by Arnab Chakraborty.

Mr Mitra, learned senior advocate for the appellant, files an affidavit of service. He submits that the State Level Environment Impact Assessment Authority had been duly served.

There is no point in keeping the appeal and the stay application pending.

Topaz is a residential bungalow complex in Gems City, Bakrahat, South 24 Parganas. The appellant is the owner of two bungalows and also is the President of the bungalow owners' association of this complex. This

complex is a part of a larger complex. This larger residential complex comprises of bungalows and residential buildings. The appellant wants a separate electricity connection for Topaz.

Mr Koley, learned advocate representing the distribution company, WBSEDCL, submits that individual distribution of electricity to bungalows or collection of bungalows and other residential buildings is not technically feasible. It can be effected to the entire complex by installation of a common transformer and distribution network. This would require construction of a 33/11 KV sub-station.

The respondent no.2/the developer represented by learned advocate Mr Rajarshi Dutta admits that the payment for this permanent electricity connection is his client's responsibility, and that his client is prepared to pay it.

In those circumstances, the respondent no.2 is directed to take all such steps that are necessary for this purpose, including making payment of the charges payable to WBSEDCL on a quotation to be raised by the distribution company by 31st January 2024, by 16th February 2024.

As electricity is a necessity of life and numerous persons are involved, the distribution company is directed to take most expeditious steps in providing permanent electricity connection to the concerned bungalow and flat owners.

In the meantime, the developer, the respondent no.2, and WBSEDCL shall ensure that the existing electricity connection to Topaz bungalow owners is

maintained upon the consumers paying the electricity charges punctually.

This order will not prevent WBSEDCL from providing individual supply to bungalow or flat owners upon payment of special charges by them.

We request the learned trial judge to follow up implementation of this order in the pending suit and the interim application connected therewith, if any, before him.

The appeal and the connected application – FMAT No.551 of 2023 and CAN No.1 of 2023 – are, thus, disposed of by this order.

Let a copy of this order be communicated to the State Level Environment Impact Assessment Authority which is directed to cooperate in the implementation of this order.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]

