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WPO/51/2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

OCTUNE ELECTRONICS LLP AND ORS.
VS
THE SECRETARY ESTATE LIFE
INSURANCE CORPORATION OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 5th March, 2024.

Appearance:

Mr. S. Dasgupta, Adv.

Mr. Ashis Kumar Mukherjee, Adv.

Mr. Debmalya Ghosal, Adv.

Mr. S. Prasad, Adv.

... for the petitioner

Ms. Noelle Banerjee, Adv.

... for respondent no.5

Mr. Debanjan Mukherjee, Adv.

Mr. Aziz Amin, Adv.

...for the CESC

Mr. Kushal Chatterjee, Adv.

Mr. Mohanlal Banerjee, Adv.

Mr. Oishik Chatterjee, Adv.

...for the LIC

The Court: Learned counsel for the petitioner submits that in the meantime, electricity connection has been restored to the petitioners' property.

Accordingly, the primary relief sought in the writ petition has been resolved. However, the CESC Ltd., it is alleged, is charging even for the period during which the petitioners did not have the electricity in view of the disconnection due to fire. That apart, learned counsel contends that the petitioner is not liable to pay the rent for the period during which there was no electricity as per the lease agreement.

In so far as the last argument made by the petitioners is concerned, it is beyond the scope of the present writ court to deal with the issue and it will be open to the petitioner to agitate such point before an appropriate court/forum, if necessary.

In so far as the second point urged, it is quite obvious that since the petitioners did not enjoy electricity for the period during which it remained disconnected due to fire, the CESC Ltd. cannot charge electricity bills for the said period or include the said period in its current bills. Accordingly, if the CESC has included any part of the said period within the purview of their current bills, the excess amount pertaining to such period shall be adjusted with the next two bills of the CESC Ltd.

Further, the CESC Ltd. shall remain restrained from charging any electricity charges during the period throughout which the connection remained disconnected.

Since otherwise the writ petition has met its objective, there is no use keeping the writ petition pending further.

Accordingly, WPO/51/2024 is disposed of in light of the above directions and observations.

Since no affidavits have been invited, it is deemed that none of the allegations made in the writ petition are admitted by any of the respondents.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)