

ORDER SHEET

WPO/921/2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SUSANTA PAUL.

VS

CALCUTTA ELECTRIC SUPPLY CORPORATION LIMITED AND OTHERS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 08th OCTOBER, 2024

Appearance:

Mr. Riju Ghosh, Adv.

Ms. Ipsita Ghosh, Adv.

...for the Petitioner

Mr. Somnath Bose, Adv.

.... for the CESC

Mr. Vivek Basu, Adv.

Mr. Sumitava Chakraborty, Adv.

...for the respondents No. 3

The Court: The petitioner is admittedly an occupier of the premises in question. Earlier, the petitioner was a tenant under the respondent No. 3, but the petitioner now contends that he was gifted a part of the property.

The CESC Ltd. submits that inspection could not be conducted, on account of the obstruction created by another person residing in the premises. The law is well settled. Any person found to be in occupation of the premises, is entitled to electricity. The right, title and interest of such person, in respect of such property, is not relevant for supply of electricity.

The CESC Ltd. will hold an inspection with the help of the police authorities, within two weeks from date. Cost of the police help shall be borne by the petitioner. If the petitioner is found to be in possession, CESC will ensure supply of connection upon completion of necessary formalities, from the existing meter board position. Such connection shall not create any equity in favour of the petitioner and may be subject to the result of any civil proceedings that may be initiated by any party.

Mr. Basu, learned Advocate for the respondent no. 3 submits that he had gifted a portion of the property to the petitioner. In any event, the right, title and interest of the petitioner in respect of the property is not relevant, what is relevant is whether the petitioner is in possession or not.

Accordingly, WPO/921/2024 is disposed of.

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

(SHAMPA SARKAR, J.)