

03.12.2025
SL No.4-5
Court No.6
(gc)

CO 3860 of 2025

**Barun Kumar Dugar
Vs.
Binod Kumar Saraogi & Ors.**

With

CO 445 of 2025

**Binod Kumar Saraogi & Ors.
Vs.
Prativa Dugar & Ors.**

Mr. Asit Baran Raut,
Mr. Tuhin Subhra Raut,
Ms. Ishita Raut

...for the Petitioner
In CO 3860 of 2025.

Mr. Suddhasatva Banerjee,
Mr. Supratic Roy,
Mr. Subhamoy Patra,
Ms. Mahuya Maity

...for the O.P. No.1.
in CO 3860 of 2025 and
...for the Petitioners
in CO 445 of 2025.

1. CO 3860 of 2025 and CO 445 of 2025 are taken up together as the dispute arises out of the same proceedings, being Ejectment Suit No. 34/2008 and Title Suit No. 99/2015 respectively and the issues involved are similar. In CO 3860 of 2025, an order dated October 29, 2025 is under challenge. By the order impugned dated October 29, 2025, the learned Civil Judge (Jr. Divn.), 1st Court, Sealdah rejected an application under Section 151 of the Code of Civil Procedure. By the

said application, Mr. Barun Kumar Dugar sought stay of the suits until implementation of the order dated January 22, 2025. The learned Court was of the view that, if the Saraogis had not complied with the order dated January 22, 2025, it was open to Mr. Dugar to initiate proceeding for such non-compliance. As no direction was passed against any Government authority, the question of directing police to render assistance did not arise.

2. Mr. Raut, learned Advocate for Mr. Dugar submits that there was an existing meter in the name of Mr. Dugar, but the supply was disconnected by the Saraogis. The learned Trial Judge had already passed an order for reconnection. When Mr. Dugar went to reconnect the supply, the Saraogis posed serious resistance. Thus, the Saraogis had not only committed breach of the provisions of the West Bengal Premises Tenancy Act, 1995, but also violated the order of the Court. Accordingly, direction should be passed upon the police authorities to assist Mr. Dugar to reconnect the supply.
3. Mr. Banerjee, learned Advocate for the Saraogis submits that CO 445 of 2025 has been filed challenging the order dated January 22, 2025. According to Mr. Banerjee, the Dugars did not have any connection. There was no existing

meter in the common meter board position. Nobody resides in the said premises. The electricity consumption bills would show that the consumption was nil.

4. Having heard the learned Advocates for the respective parties, this Court finds that, on January 22, 2025, the learned Trial Judge has passed an order directing Saraogis to render assistance to Mr. Dugar for the purpose of obtaining electricity connection from a recognized government authority. The interpretation of this order would be that there should not be any obstruction if the the CESC Ltd. grants supply to the Dugars or reconnects the supply from the common meter board position. Necessary no-objection should also be given, in this regard.
5. This order is justified. The supply of electricity cannot be obstructed, as electricity is an essential service.
6. Thus, CO 445 of 2025 fails.
7. Insofar as the prayer in the application under Section 151 of the Code of Civil Procedure is concerned, this Court is of the view that the suits must proceed and the learned Court rightly rejected the said application. However, it is made clear that the order dated January 22, 2025 shall be implemented in terms of the direction of the learned Trial Judge. In the event, the CESC Ltd.

enters the premises for inspection, reconnection or supply of electricity to Mr. Dugar, the Saraogis will not obstruct, but cooperate with the licensing company. The supply shall be granted from the common meter board position.

8. However, the supply, if granted, will be subject to the final decision in the suit and will not create any equity in favour of the petitioner.
9. There is already an order of expeditious disposal of the suits. The suits will proceed.
10. Accordingly, CO 3860 of 2025 and CO 445 of 2025 are disposed of.
11. However, there shall be no order as to costs.
12. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)