

MAT 736 of 2025

in
IA NO: CAN 1 of 2025

in
IA NO: CAN 2 of 2025

Prosenjit Chandra
Vs.
Sandeep Kumar Gupta & Ors.

Mr. Sk. Abumusa
....For the Applicant/Appellant.

Mr. Indranil Halder
.... For the Writ Petitioner/Respondent No. 1.

Mr. Shahan Shah
Mr. Md. Shajahan
.... For the Respondent No. 5.
Mr. Ram Chandra Guchhait
.... For the CESC.

The present appeal has been preferred challenging an order dated 24th April, 2025 passed by the learned Single Judge in a writ petition being WPA 7830 of 2025. The said writ petition was preferred primarily praying for issuance of necessary direction upon the authorities of Calcutta Electricity Supply Corporation Limited (hereinafter referred to as CESC) to supply electricity upon installation of a meter in a room, owned by the writ petitioner, namely, Sandeep Kumar Gupta (in short Sandeep) at the premises being No. P-308/A/1, Mudiali Road, Kolkata 700024 (hereinafter referred to as the said premises). By the order impugned the learned Single Judge directed the CESC authorities to effect electricity connection in favour of Sandeep within a period of one month from the date of the said order.

Records reveal that the said writ petition was preferred impleading the CESC authorities, the Officer-in-Charge, Metiabruz Police Station, one Madan Mohan Chandra and one Uttam Kumar Chandra. The present applicant/appellant, namely, Prosenjit Chandra (in short Prosenjit), who happens to be the son of Madan Mohan Chandra, being the respondent no.5 herein, was not impleaded in the writ petition and as such he has preferred an application for leave to appeal being, CAN No.2 of 2025.

Mr. Abumusa, learned advocate appearing for Prosenjit submits that the meter room is situated within the dwelling house of Prosenjit and the direction upon the CESC authorities to install meter in the said meter room would have the effect of granting access to Sandeep within an area which exclusively belongs to Prosenjit. The learned Single Judge was misled to pass the impugned order as Prosenjit was not present to point out the correct facts.

As Prosenjit is the owner of the said premises and is affected by the order impugned, we allow the application for leave to appeal being, CAN 2 of 2025 and take up the appeal for hearing.

Mr. Abumusa contends that by virtue of the impugned order, Sandeep will get access to the dwelling house of Prosenjit and as a consequence thereof the privacy of Sandeep and his family members would be affected.

Mr. Shah, learned advocate appearing for Prosenjit's father, being the respondent no. 5, adopts the submissions as advanced on behalf of Prosenjit and contends that access

to the meter room would also prejudicially affect the respondent no. 5.

Mr. Guchhait, learned advocate appearing for the CESC authorities submits that the order of the learned Single Judge has already been complied with and electricity connection has been effected. In view of such implementation of the order, nothing remains to be decided in the appeal.

He further submits that during pendency of the present appeal an inspection was conducted at the said premises, in presence of the respondent no. 5 and it was found that Sandeep has a shop room in the front portion of the building of which Prosenjit is the owner. In the meter room there are three other meters existing in the names of the respondent no.5, one Peali Chandra Hazra and one Argha Ghosh. Sandeep's meter has been installed in the same meter room. A copy of the said report, as filed, be kept on record. Copies of the same have been handed over to the appellant and the private respondent no.5.

Mr. Halder, learned advocate appearing for Sandeep submits that the order of the learned Single Judge has already been implemented and the contention of the appellant that access to the existing meter room would tantamount to infringement of privacy right of the appellant, is absolutely unfounded.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, Sandeep is the owner of a room in the said premises. Other residents in the said premises have been

granted electricity connection through installation of meters at a particular place. Meter as per the order impugned had been installed in the same meter room. The allegation that for such installation of meter, Sandeep will get access to the dwelling house of Prosenjit is not acceptable to this Court. Grant of electricity to a person in settled possession has also been declared by a special Bench judgment of this Court delivered in the case of *Abhimanyu Mazumdar- vs. – Superintending Engineer*, reported in, *AIR 2011 Cal 64*.

In the said conspectus, we do not find any infirmity in the order impugned in the present appeal moreso when the learned Single Judge had observed that such grant of electricity connection shall not confer any right, title or interest in favour of the Sandeep over the property in question.

Accordingly, the appeal and the application for stay being, CAN 1 of 2025, are dismissed.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)