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01-09-2025
AKG
Ct. 15

WPA 23277 of 2024

**Khurshid Alam
Vs.
CESC Limited & Ors.**

Mr. Indranil Halder
...for the Petitioner
Mr. Neil Basu,
Mr. Sankha Biswas
...for Respondent No. 4
Mr. Pathik Bandhu Banerjee,
...for CESC
Mr. Debanjan Mukherjee
...for KMC

It appears that at premises no. 4/H, Rajab Ali Lane, 2nd Floor, P.S. – Ekbalpore, Kolkata – 700 023, a sanctioned plan was granted by the Kolkata Municipal Corporation for the construction of a G+2 storied building. Pursuant to the said sanctioned plan, the building was constructed.

Learned counsel appearing for the Kolkata Municipal Corporation submits that the unauthorized portion of the building, which had been raised on the mandatory open space, has already been demolished by the Corporation.

Respondent no. 4 claims ownership of the building, whereas the petitioner asserts that he is an occupier of a flat on the second floor.

Learned counsel for respondent no. 4 submits that the building has not yet been completed and further contends that the petitioner has been placed in possession by a third party without his consent. The petitioner, however, submits

that it was the promoter of the building who delivered possession to him.

Amidst the aforesaid disputed factual background, the petitioner prays for an electricity connection to his flat. In compliance with the order dated August 8, 2025, an inspection was carried out by the Calcutta Electric Supply Corporation (CESC).

- “1. During inspection, we found that the meter board / existing service was unauthorizedly handled by the private respondent and/or the promoter. Meter board wall was demolished and later it was hanged in the adjacent wall. Meter box is also changed. One disconnected meter is existing bearing no. 6817303, consumer no. 14091112011 in the name of private respondent Mr. Shakib Afsar. Presently, it is technically not possible to install another meter in the same meter box.**
- 2. Another meter can be installed upon replacing the unauthorised wooden meter box. Petitioner and/or the private respondent have to pay unauthorized handling charge for replacement of the unauthorised meter box and service cable / apparatus for getting new meter in favour of the petitioner and restoration of supply of the private respondent.”**

Learned counsel for the petitioner submits that the petitioner is willing to bear the necessary expenses for installation of the electricity line. It is further submitted that unless police assistance is extended to the officials of CESC, the electricity connection cannot be effected due to obstruction caused by respondent no. 4.

It is not disputed before this Court that the petitioner is in settled possession of the flat in question. It also appears that a civil suit concerning ownership of the said flat is presently pending between respondent no. 4 and the promoter of the building.

Since the supply of electricity does not, by itself, confer any right, title, or interest in respect of immovable property, I am of the considered view that there ought not to be any impediment in granting electricity connection to the petitioner.

In view of the above, this writ petition is disposed of with a direction upon CESC to provide electricity connection to the flat presently under the petitioner's possession within three weeks from the date hereof. All expenses required for effecting such connection shall be borne by the petitioner.

The Officer-in-Charge of Ekbalpore Police Station is directed to render necessary assistance to the officials of CESC for implementation of this order. The petitioner shall bear the costs of such police assistance.

It is noted that the electricity connection of respondent no. 4 was disconnected in compliance with the order dated August 8, 2025. CESC shall also be at liberty to restore the electricity connection of respondent no. 4, subject to compliance with all requisite formalities.

Accordingly, **WPA 23277 of 2024** stands disposed of.

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

(Kausik Chanda, J.)