

10-09-2025
ct no. 13
Sl. 14 to 16
sp

M.A.T. No. 1786 of 2024
With
CAN 1 of 2024
With
CAN 2 of 2025
With
CAN 3 of 2025
Bhakta Saha & Anr.
-Versus-

Basundhara Tower Pvt. Ltd. & Ors.

With
M.A.T. No. 1862 of 2024
With
CAN 1 of 2025
With
CAN 2 of 2025
Porahat Babsayi Sangram Samity Repn. By Sagar
Jaiswal
-Versus-

Basundhara Tower Pvt. Ltd. & Ors.

With
M.A.T. No. 1880 of 2024
With
CAN 1 of 2025
With
CAN 2 of 2025
With
CAN 3 of 2025
Dilip Dutta & Ors.
-Versus-

Basundhara Tower Pvt. Ltd. & Ors.

Mr. Shankha Maity,
Ms. Moumita Dhar,
Mr. Aditya Sinha.
..for the appellants in MAT 1786 of 2024.

Mr. K.D. Poddar,
Ms. Nibedita Chakraborty,
Ms. Mandira Barman.
...for the appellants in MAT 1862 of 2024.

Mr. Pinaki Ranjan Chakraborti.
..for the appellants in MAT 1880 of 2024.

Mr. Sounak Bhattacharya,
 Mr. Sounak Mondal,
 Mr. Abhirup Halder,
 Mr. Anirban saha Roy,
 Ms. Bipasha Bhattacharyya.
 ..for the respondent nos. 1 and 2 in all appeals.

Ms. Debanjan Mukherjee.
 ..for the CESC Ltd. in all appeals.

Mr. Abhijit Sarkar,
 Mr. Nara Narayan Ganguly.
 ..for the State in all appeals.

Ms. Suchishmita Ghosh,
 Ms. Lakshmi Shaw,
 Mr. Mahendra Gupta.
 ...for the intervener in all appeals.

1. The appeals are directed against order dated 29th July, 2024 passed by a Single Bench of this Court. The writ petitioner/respondent herein claimed supply of electricity to his office room. The other proposed appellants have indicated to Court that the writ petitioner/respondent, in fact, wanted to operate a bulk meter at that place called 'Manglahat' by reference to paragraph no. 21 of the writ petition.
2. The property in question comprises in 168 cottahs of land in Howrah. A large prosperous and popular garment industry used to function therefrom and continues to function even today. There are several civil proceedings pending in respect of title to the said hat. The original owners were the Daw family. The writ

petitioner/respondent claims title on the basis of an agreement of sale entered into with the Daw family.

3. The proposed appellants in MAT 1786 of 2024 is Bhakta Saha & another. They claimed to be run a shop thereat. The proposed appellants in MAT 1862 of 2024 is a association of a garment traders at the said hat. The proposed appellants in MAT 1880 of 2024 is Dilip Dutta & others who are also stall owners. The proposed appellants submit that the actual registered owners of the property are M/s.Manglahat Construction and Builders Pvt. Ltd. and M/s. Gajanand Agency Services Pvt. Ltd. by registered sale deed. They are not represented before this Court.
4. One Gopi Das Minani and others claim interest and title in the property by virtue of oral agreement of sale and are represented before this Court. Proceedings are pending before the Single Bench, Division Bench of this Court as also before the Supreme Court with regard to title to the property.
5. There was a huge fire accident took place in the said market called 'Manglahat' sometime in July, 2023. The fire accident is being investigated by the CID, West Bengal and West

Bengal Fire Services Authority. As on date, the Fire Services Authority has not given any clearance for resupply of electricity to the said market. There is reason for the same, the market is haphazard, completely unorganized and stalls have been randomly and opportunistically put in every nook and corner. There are allegations that unauthorized occupants entered into and set up shop rooms in the said premises.

6. Having regard to the above, the first stage would be to seek clearance from the West Bengal Fire Services Authority as to whether CESC can be permitted to supply electricity either individually or in the form of a bulk meter to the lawful shop owners. The opinion of the CID, West Bengal is also required with regard to the cause of the fire accident.
7. In the backdrop of the above, to direct a bulk supply to be given from one meter position to the stall owners would endanger the shop owners but may result in a tussle between the proposed appellants. The real owners and the persons claiming to be the owners and the writ petitioner are not in agreement as to who would run and control the said bulk meter.

8. The concept of bulk meter is that the CESC supplies energy to one bulk point from where individual shop owners are given supply by the person controlling the bulk meter which is issued in the name of a single consumer.
9. In the backdrop of the aforesaid impasse, confusion and cut throat litigation and claims between the parties, it would be grossly inappropriate to direct the CESC to supply electricity to the aforesaid 'Manglahat'.
10. This Court is of the view that the order passed by the Single Bench is rather premature and is hereby set aside.
11. Leave is granted to the appellants in MAT 1786 of 2024, MAT 1862 of 2024 and MAT 1880 of 2024 to file the appeals in question. The appeals are allowed. Unless and until there is appropriate order from a Civil Court or in any pending proceeding that the parties are involved in, the grant of electricity would be hazardous and would invite further litigation, apart from endangering the life of the citizens in the market.
12. For the reasons stated hereinabove, MAT 1786 of 2024, MAT 1862 of 2024 and MAT 1880 of 2024 are allowed. The impugned order is set aside. The parties may take appropriate steps

as already indicated hereinabove and obtain necessary orders in the pending civil proceedings, particularly, with regard to who shall run a bulk meter, if at all permitted by the West Bengal Fire Services Authority and the CID, West Bengal.

13. With the aforesaid observations, all appeals are disposed of.
14. Consequently, all connected applications are also disposed of.
15. There shall be no order as to costs.
16. All the concerned parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)