

31
20.02.2025
Ct. No. 3
SB

W.P.A. 25400 of 2024

Sakhi Sony & Anr.
Vs.
Calcutta Electric Supply Corporation Ltd. & Ors.

Ms. Falguni Jana
Mr. Rishab Ahmed Khan ... for the petitioners

Ms. Sreemoyee Moitra for CESC

Mr. Srijib Chakraborty
Ms. Rupsa Sreemani ... for respondent no. 3

The petitioners had preferred the present writ petition seeking the disconnection of the electricity connection installed in the name of respondent no. 3 being Meter No. 6548987-01-M and Consumer No. 36013234056/12222 at the premises No. 13, Balaram Dey Street, Police Station - Girish Park, Kolkata- 700006.

It is the case of the petitioner that he is the sole and absolute owner of a self contained flat on the 3rd floor (back portion) measuring more or less 697 sq. ft. lying and situated at premises no. 13, Balaram Dey Street, Police Station - Girish Park, Kolkata- 700006.

It is further contented that respondent no. 3 had purchased the said flat for a total consideration of 71,79,000/- (Rs. Seventy One Lakh Seventy Nine Thousand Only) and paid a part consideration of Rs. 15,00,000/- (Rs. Fifteen Lakh Only). The petitioner further alleged that after making part payment towards the sale consideration, the respondent no. 3 has

wrongfully and illegally taken possession of the said flat without paying the full sale consideration. Further it is contended that the respondent no. 3 in collusion with respondent nos. 1 and 2, forcefully installed a new electricity connection by unlawfully breaking the common meter room. In view of the said submissions, learned counsel for the Petitioner prays for the disconnection of the electricity connection installed in the name of respondent no. 3 being Meter No. 6548987-01-M and Consumer No. 36013234056/12222 at the premises No. 13, Balaram Dey Street, Police Station - Girish Park, Kolkata-700006.

This Court has carefully considered the submissions advanced by the learned counsel for the Petitioner. It is an admitted position that respondent no. 3 is in possession of the premises in question. Electricity is an essential service and its grant cannot be denied merely on the ground of disputed possession.

The legal position in this regard is well-settled that any person who is in the settled possession of a premises, irrespective of the illegality of such possession, is entitled for an electricity connection under Section 43 of the Electricity Act, 2003 (***Abhimanyu Mazumdar Vs. Superintendent Engineer*** reported in ***AIR 2011 Calcutta 64***).

In view of the aforesaid legal position, this Court finds no infirmity or illegality in the action of respondent nos. 1 and 2 in granting the electricity connection in the name of the respondent no. 3 qua the premises in question as he is in the settled possession of the said premises.

However, if the petitioner is of the view that respondent no. 3 is an illegal occupant of the said premises, he is at liberty to initiate appropriate legal proceedings against Respondent No. 3 for eviction in accordance with law before the competent forum .

Accordingly, with the above observations, the present writ petition stands disposed of.

(Gaurang Kanth, J.)