

23.12.2025

Item no.DL 97
Court No. 8

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Civil Appellate Jurisdiction

Appellate Side

Case No. MAT 2251 of 2025
with
CAN 1 of 2025

In the matter of :

SWAGUNA MUKHERJEE

.... Appellant

VS.

CESC LIMITED & ORS.

....Respondents

For the Appellant :

Mr. Pratip Mukherjee

Mr. Rahul Agarwal

Mr. Arpit Agarwal

Mr. Yashashwi Sundariya

Mr. Purnankar Biswas

....Advocates

For the Respondent / CESC Ltd. :

Mr. Debanjan Mukherjee

....Advocate

For the Respondent no.4 :

Mr. Suddhastam Banerjee

Mr. Satadeep Bhattacharyya

Mr. Saptarshi Datta

Ms. Sriparna Mitra

Ms. Srinjita Ghosh

Mr. P. K. Pal

Mr. Debdul Hore

....Advocates

Dictated by Arijit Banerjee, J. :-

1. Affidavit of service filed in Court today be kept with the record.
2. Aggrieved by disconnection of electricity, the appellant had approached the learned Single Judge. The learned Judge by the impugned order recorded that the writ petitioner has suppressed

material facts. The learned Judge refused to pass any interim order but directed exchange of affidavits. The matter was directed to be listed on January 8, 2026. Aggrieved by this order, the writ petitioner has come up by way of the present appeal.

3. Learned advocates for the CESC Ltd. and the private respondent (landlord) say that there is gross suppression of material facts by the writ petitioner. Bills are pending which have not been paid by the writ petitioner. As per the submission of the learned advocate appearing on behalf of the CESC Ltd., about Rs.20,369/- is due to the CESC Ltd.
4. We have serious doubt about the maintainability of the present appeal. Nothing has been decided by the learned Single Judge as yet.
5. However, without going into that question, we dispose of this appeal by observing that in the event, the appellant / writ petitioner pays off the dues of CESC Ltd. and complies with all procedural formalities, CESC Ltd. shall grant new electricity connection to the appellant / writ petitioner within 48 hours since electricity is an essential service.

6. This order shall not create any equity in favour of the appellant / writ petitioner.
7. We also put on record the submissions made on behalf of the private respondent that the appellant / writ petitioner has given an undertaking to vacate the concerned premises by 28th February, 2026.
8. Since we have not called for affidavits, the allegations in the stay petition are deemed to have not been admitted.
9. The instant appeal along with the connected applications stand disposed of.
10. Parties to act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble High Court.
11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)