

D/L 25
07.01.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 30772 of 2024

Yogesh Kumar Sharma @ Jogesh Sharma
Vs.
CESC Limited & Ors.

Mr. Pinaki Ranjan Mitra

...for the Petitioner.

Ms. Aparajita Rao
Mrs. Nabanita Dutta

...for the CESC.

Mr. Joy Chakraborty
Mr. Sandip Dinda
Mr. Ranjit Malakar

...for the private respondent.

1. Affidavit of service filed in Court today is taken on record.
2. The application for obtaining new electricity connection made by the petitioner could not be proceeded further by the CESC Limited as inspection could not be held by the authority because the meter board room was not accessible.
3. The petitioner is currently enjoying electricity from the electric meter standing in the name of the wife of the respondent no.3. A civil suit is pending consideration between the petitioner and the private respondent before the learned Trial Court.
4. Submission has been made to direct the CESC Limited to provide new electricity connection.
5. Learned advocate for the private respondent submits, upon instruction that, the petitioner is enjoying electricity from the meter standing in the name of the wife of the respondent no. 3 and the petitioner or his wife does not consume electricity from the said meter.
6. It has also been alleged that the agreement relying upon which the petitioner is in possession of the subject premises is a

forged one. The aforesaid submission is disputed by the learned advocate representing the petitioner.

7. Learned advocate representing the CESC Limited submits, upon instruction that, the licensee does not have any problem to provide new electricity connection in favour of the applicant provided access to the meter board room is given.
8. Electricity being an essential commodity, the same ought not to be disallowed to be enjoyed by the applicant who is currently in possession of the subject premises. As long as the applicant, that is, the petitioner herein remains in possession, it will be improper to not allow him to enjoy electricity.
9. In view of the above, CESC Limited is directed to conduct spot inspection upon giving prior notice to the petitioner and the private respondent by 24th January, 2025. The private respondent and his men and agents are restrained from interfering with the spot inspection to be conducted by CESC Limited.
10. CESC Limited will grant electricity connection to the petitioner upon compliance of all legal formalities. The said electricity connection will not create any right and/or equity in favour of the petitioner.
11. The writ petition stands disposed of.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Amrita Sinha, J.)