

APOT/292/2025
IA NO: GA/1/2025

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

NIKET SARAF AND ANR
VS
CESC LIMITED AND ORS

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

AND

The Hon'ble JUSTICE APURBA SINHA RAY

Date : November 3, 2025.

Appearance:

Mr. Soumabho Ghose, Adv.

Mr. Rachit Lakhmani, Adv.

Mr. Varun Kothari, Adv.

Mr. Nikunj Berlia, Adv.

..for the appellants

Mr. Subir Sanyal, Sr. Adv.

Mr. Shoham Sanyal, Adv.

..for CESC Limited

Mr. Saumyen Datta, Adv.

Mr. A. Bhar, Adv.

..for the respondent no.6

Dictated by Arijit Banerjee, J.

The Court : This appeal is directed against a judgment and order dated September 24, 2025, passed in a writ petition filed by the respondent nos.6 herein being WPO/296/2025.

It appears that the respondent no.6/writ petitioner is the owner of a portion of premises no.63, Rafi Ahmed Kidwai Road, Kolkata-700016. She is

also a tenant under the present appellants in respect of an adjacent portion of the said premises.

It further appears that in respect of the tenanted portion, there are disputes between the present appellants and the writ petitioner. A civil suit at the instance of the present appellants is pending for recovery of monies on various accounts including electricity charge, maintenance, etc.

It is also an admitted position that there is one High Tension line supplying electricity to the entire premises. The occupants of various portions of the premises draw electricity through sub-meters.

On the alleged ground that monies were due and payable by the writ petitioner to the present appellants on account of electricity charge, the appellants caused disconnection of electric supply to the portion of the said premises occupied by the writ petitioner.

This prompted the writ petitioner to approach the Learned Single Judge.

The Learned Judge passed an order dated September 24, 2025, the operative portion whereof reads as follows:

“In view of the above, the electricity connection of the petitioner must be restored. However, as indicated by CESC, a separate connection in the petitioner’s name cannot be provided since the entire premises receives electricity through a single High-Tension supply. The learned Advocate for CESC has submitted that a separate connection in the petitioner’s name is not feasible.

Therefore, I direct Respondent Nos. 6 and 7 to restore the electricity connection to the petitioner immediately and, in any event, within 72 hours from the date of this order.

Upon reconnection, the petitioner shall continue to make payments to Respondent Nos. 6 and 7 based on the readings of the sub-meter assigned to him.

The remedy with respect to other dues such as rent, maintenance and parking charges lies before the civil courts.

The officials of CESC are directed to inspect the premises within 96 hours from the date hereof. If it is found during inspection that the petitioner's electricity line has not been restored, the CESC officials shall disconnect the supply registered in the name of Respondent No. 6.

CESC authorities shall file a report within one week after the upcoming Puja vacation.

The writ petition shall be listed for hearing one week after the ensuing Puja vacation."

Being aggrieved, the respondent nos.6 and 7 in the writ petition are before us by way of this appeal.

Mr. Sanyal, learned Senior Counsel representing CESC Limited, tells us that in terms of the direction of the Learned Single Judge, the CESC Officials inspected the said premises within 96 hours from the date of the order. They found that electric connection to the writ petitioner's portion had not been restored by the respondent nos.6 and 7 in the writ petition. Accordingly, CESC Limited has disconnected the supply of electricity registered in the name of the respondent no.6 in the writ petition in terms of the impugned order.

We, therefore, see that the order impugned has worked itself out. The petition is still pending before the Learned Single Judge. The matter has

been directed to be listed by the Learned Judge, one week after the puja vacation.

In view of the aforesaid, we are not inclined to interfere. It will be open to all the parties including the appellants to make appropriate prayer before the Learned Single Judge.

The appeal and the connected application stand disposed of.

(ARIJIT BANERJEE, J.)

(APURBA SINHA RAY, J.)

bp.