

01.04.2026
Court No. 12
Item No. 05
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 581 of 2026
IA No : CAN 1 of 2026

Ashis Chandra Dutta & Ors.
-Versus-

Biswanath Kantha & Ors.

Mr. Prajnadeepta Roy,
Mr. Arindam Peyada,
Ms. Sohini Kundu,
Mr. Debojyoti Goswami
.....for the appellants
Mr. Debanjan Mukherjee
....for the CESC.
Mr. Chandan Misra,
Ms. Shreya Sinha
....for the respondent nos. 5, 6 & 7.

- 1) The appellants claim to be the owner of a premise in respect of which new connection was directed to be effected by the learned single Judge, in favour of the respondent No. 1.
- 2) It is submitted that the appellants could not appear before the learned single Judge due to network issues.
- 3) The appellants also contend that, initially the writ petitioner had a separate connection which was surrendered thereafter. The writ petitioner came into possession later, i.e. in 2022 and was enjoying the supply from one of the appellants, as such there was no need for a new electric meter. The dispute is between the landlords and the tenant. Nothing prevents the CESC Limited from granting new connection to

the occupier of the premises irrespective of the nature of occupation.

4) We do not find any illegality in the order impugned. The learned Court directed CESC to grant electricity by installing a new meter to the writ petitioner from the common Meter Board position. CESC has complied with the order. The issue of possession is not in dispute, but the appellants submit that the possession is unlawful.

5) The appellants have already issued an eviction notice. The appellants are at liberty to proceed in accordance with law. Insofar as, the status of the writ petition is concerned, we are not inclined to go into such issue and the same will be decided by a civil court.

6) Grant of electricity is not a proof of tenancy. Thus, the apprehension of the appellants that the writ petitioner will use the grant of electricity provided by CESC as a proof of his lawful occupation in respect of the premises, is absolutely misconceived. The grant of electricity on the basis of the order impugned will not create any equity in favour of the writ petitioner. In the event the appellants succeed in evicting the writ petitioner in accordance with law, natural consequence will follow. The grant of new connection will be subject to any order that may be passed by a civil court.

7) Accordingly, the appeal and the connected application are disposed of.

8) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)