

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10592 of 2026

Arpee Builders and Promoters Pvt. Ltd. & Anr.
Vs.
CESC Limited & Ors.

Mr. Jishnu Chowdhury
Mr. Rajshree Kajaria
Mr. Pravakar Chowdhury
Mr. Satadeep Bhattacharyya
Mr. Uttam Sharma
...For the petitioners

Dr. Madhusudan Saha Ray
...For the CESC Limited

Mr. Chumky Agarwal
Mr. Akshay Kumar Jain Sukhani
...For the respondent no.4

1. This is an application seeking a mandamus compelling the respondent authorities including the CESC Limited to forthwith restore electricity connection to the petitioner no.1
2. It is submitted on behalf of the petitioner that they are in actual settled position of the subject premises and the private respondent no.4 has deliberately and intentionally disconnected the electricity connection to the premises of the petitioner.
3. On behalf of the CESC Limited it is submitted that they have no objection in providing such restoration however in view of the fact that there is an existing High Tension supply at the subject

building any connection can only be provided by the private respondent no.4.

4. In *Abhimanyu Mazumdar vs. The Superintending Engineer & Anr. 2011 SCC OnLine Cal 362* a Special Bench of this Court had held as follows:

“we, therefore, hold that a person in settled possession of a property as illustrated in the case of Rame Gowda (supra), is free to apply for supply of electricity without the consent of the owner of the same and is entitled to get electricity and enjoy the same until he is evicted by due process of law.”

5. It appears from the records that there are pending civil disputes by and between the private respondent and the petitioner. There is also a Civil Suit filed by the private respondent no.4 against the petitioner. The private respondent also alleges infraction of municipal and fire safety norms by the petitioner.
6. In view of the limited scope of this writ petition and in view of the fact that civil proceedings are pending before different authorities, there is no scope for this Court to enter into such issues.
7. It is made clear that the restoration of an electricity connection in favour of the petitioner will not create any equity or right in respect of any of the pending civil disputes. In such circumstances, WPA 10592 of 2026 stands allowed.
8. The CESC Limited is to ensure restoration of the petitioner's electricity supply from the existing High Tension Supply within a period of four weeks

from the date of this order. The respondent CESC Limited shall be at liberty to seek necessary police assistance if required for effecting such restoration. Any costs or expenses incurred by the police authorities would be exclusively borne by the petitioner. The Officer-in-Charge, Ballygunge Police Station is directed to provide adequate police assistance, if the circumstances so warrant.

9. The private respondent no.4 is also directed to provide all assistance and co-operation in connection with the above restoration. Any costs or expenses incurred for such restoration would be exclusively borne by the petitioner.
10. Since no affidavits have been called for, the allegations contained in the writ petition are not admitted.
11. Liberty is granted to the private respondent no.4 to initiate appropriate civil or criminal proceeding insofar as the remaining grievances are concerned, if advised in accordance with law.

(Ravi Krishan Kapur, J.)