

D/L.01.
January 21, 2026.
KAUSHIK

WPA No. 24837 of 2006

Board of Trustees for the Port of Kolkata
Vs.
CESC Limited & Ors.

Mr. Subhankar Nag
Mr. Ashok Kumar Jena
... for the petitioners.

Mr. Debanjan Mukherjee
... for the CESC

The petitioner seeks directions on the respondent CESC for disconnecting the electricity connection granted against third party occupiers on the land which belongs to the petitioner.

The third party respondents are represented and submit that the instant application is misconceived and not maintainable.

This is the second round of litigation between the parties. By an earlier order dated 23 December, 2005, a Coordinate Bench had directed that the petitioner's grievance be considered and disposed of in accordance with law. Pursuant to the said order, by a communication dated 18th August, 2006, the respondent authorities had rejected the prayer of the petitioner.

Briefly, the petitioner has sought for disconnection of the electricity connection, which has been granted in favour of third party

occupiers over the land which belongs to the petitioner.

By the impugned communication, it has been held that the entire exercise by the petitioner was to ultimately evict the third party occupants.

In such circumstances, the petitioner in a circuitous manner is seeking disconnection of their electricity connection. It is now well settled that even a third party occupier or a trespasser has a right to essential services like electricity [*Abhimanyu Mazumdar Vs. The Superintending Engineer & Anr.*, 2011 SCC Cal 64(FB)].

In this background, the question of seeking any order in this jurisdiction compelling CESC to disconnect the electricity connection in favour of third party is misconceived and not maintainable.

Accordingly, WPA 24837 of 2006 stands dismissed without any order as to costs.

It is needless to mention that no equity would be created by virtue of this order in favour of the third party private respondents.

(Ravi Krishan Kapur, J.)