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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/65/2025
IA NO: GA/1/2025
MANMOHAN HOSIERY
VS
CESC LIMITED AND ORS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR
The Hon'ble JUSTICE AJAY KUMAR GUPTA
Date: 21st April, 2026.

Appearance:
Mr. Partha Chakraborty, Adv.
Mr. Rishabh Dutta Gupta, Adv.
...for the appellant
Mr. Brotindra Mullick, Adv.
Ms. Poulomi Paul Maity, Adv.
Mr. Supriti Dutta Mukherjee, Adv.
...for CESC
Mr. Rajarshi Dutta, Adv.
Mr. A.P. Agarwalla, Adv.
...for respondent no. 4

The Court: The appellant is a proposed consumer. The writ petition was filed seeking supply of new connection. Her Lordship conducted an exercise to ascertain whether the appellant was at least in possession or occupation of the said premises and directed that CESC may cause an inspection and file a report.

Such report was filed, which categorically mentioned that a 400 sq. ft. room on the ground floor of a three storied building was found dilapidated. There was no entrance door. The premises was vacant. There were no electrical wirings. In fact, there

was no semblance of occupation. Learned Writ Court rightly held that the Court was not convinced regarding the possession of the subject premises, in view of the inspection report. It is true that a person in settled possession of any premises is entitled to electricity even if such possession is unauthorized. Although there is a civil suit pending, that itself will not indicate that the appellant is in settled possession of the concerned room in view of the report filed by CESC.

Under such circumstances, we are not inclined to pass any order at this stage. However, there is a civil suit pending. The appellant can approach the civil court.

With the above observation, the appeal and the application are disposed of.

Affidavit of service filed in Court is taken on record.

(SHAMPA SARKAR, J.)

(AJAY KUMAR GUPTA, J.)

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