

IN THE HIGH COURT AT CALCUTTA
Constitution Writ Jurisdiction
ORIGINAL SIDE

WPO/138/2026

SANJAY KUMAR SHAW ALIAS SANJAY SHAW
VS
CALCUTTA ELECTRIC SUPPLY CORPORATION LIMITED AND ORS.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 22nd June, 2026

Appearance:

Mr. Shubham Gupta, Adv.

Mr. Anirban Ghosh, Adv.

Md. Ayaan, Adv.

Mr. Rajsekhar Bal Bakshi, Adv.

...for the petitioner.

Dr. Madhusudan Kumar Ray, Adv.

...for the CESC Ltd.

The Court: The grievance of the petitioner is directed against the refusal of the respondent CESC Limited in taking action in terms of a request for a new connection dated 27th February, 2026.

It is submitted on behalf of the petitioner that the petitioner is a lawful tenant in possession who had been inducted by the erstwhile owner of the flat and is forced to apply for a new electricity connection in view of surrender of the earlier meter by the new landlord/owner.

On behalf of CESC Limited it is submitted that pursuant to a notice by the private landlord/owner, CESC Limited had disconnected the existing connection being enjoyed by the petitioner and is now statutorily obliged to remove such meter. Pursuant to orders of Court, CESC Limited has also filed a Report.

It is also submitted on behalf of CESC Limited that the application of the petitioner is not in the correct form since the request for a new connection has been made in a building which has been described as the supply does not exist. This is factually incorrect and the petitioner is obliged under the extant Rules and Regulations to apply for a loop meter in respect of the subject premises.

On behalf of the private respondent it is submitted that the existing meter is being used by the third party occupants and no electricity connection should be provided to the petitioner. It is apparent from the submission made on behalf of the parties that the private respondent has existing civil disputes with the petitioner and there is also a civil suit for eviction pending. In view of the decision in *Abhimanyu Mazumdar –vs.- Superintending Engineer and Anr.*, AIR 2011 Calcutta 64 (at paragraphs 14,16) a lawful occupier in actual and settled position is entitled to electricity though the same does not confer any equity in favour of the petitioner.

In view of the above, the objections raised on behalf of the private respondent have no merit and are rejected. In case the petitioner files an application in the prescribed form, CESC Limited is directed to provide the petitioner an electricity connection meter in accordance with law and after payment of all prescribed formalities. In case of any obstruction, CESC Limited is directed to take police assistance from the local police authorities having jurisdiction. Any costs or expenses incurred towards such police assistance would be exclusively borne by the petitioner.

Liberty is also granted to the police authorities to break open any padlock if there is any obstruction or hindrance raised by the parties. The above

exercise is to be completed expeditiously within four weeks from the date of the application proposed to be filed by the petitioner. Any connection provided to the petitioner would be from the existing service connection. It is clarified that the grant of any such connection would not create any equity, right, title or interest in favour of the petitioner insofar as the existing and pending civil disputes are concerned.

With the above directions, WPO/138/2026 stands disposed of.

(RAVI KRISHAN KAPUR, J.)