

(2018) 04 CAL CK 0084
In the Calcutta High Court
Case No : W. P. No. 5654(W) of 2017

KAPIL DEO SHARMA

APPELLANT

Vs

CESC LTD. AND OTHERS

RESPONDENT

Date of Decision : 13-04-2018

Acts Referred:

Citation : (2018) 04 CAL CK 0084

Hon'ble Judges : PATHERYA, J

Bench : Single Bench

Advocate : Dinanath Shaw

Final Decision : Allowed

Judgement

CAN 2187 of 2018 has been filed by one Dinanath Shaw, who is the owner of the subject premises. The original writ petitioner filed an application

wherein the order dated 16.2.2018 was passed. The only grievance made by the applicant is that without considering his written objection the order

was passed. On 16.02.2018 his advocate was ill and therefore could not appear on the date of hearing. By this application the applicant submits that

an Ejectment Suit No. 23101 of 2012 has been filed and the same is pending before the Fifth Court, Civil Judge (Junior Division). He also submits that

the original writ petitioner applied for a domestic supply, who has a shop room wherein he carries on his carpentry business. Therefore, domestic

connection cannot be given to him as it is a commercial establishment.

Counsel for the licensing company submits that today has been fixed as the date for grant of electrical connection to the original writ petitioner as per

order dated 16.2.2018. The licensing company is ready and willing to give connection to the original writ petitioner.

Having considered the submission of the parties the rent control form has been annexed to the writ petition by the original writ petitioner and

undoubtedly no domestic supply can be given as the original writ petitioner carries on a carpentry business in his shop room. Therefore no domestic

supply could have been filed. In fact by the letter dated 23rd July, 2015 the licensing company too could not have described the original writ petitioner

as a domestic consumer. The said aspect should have been considered by the licensing company before issuing the letter dated 23rd July, 2015.

In view of Section 43 of the 2003 Act, grant of electric supply to the original writ petitioner cannot be ignored or rejected and the licensing company

has in its fairness agreed to supply such electric connection but the error that has been made by the licensing company is in describing "domestic

supply" instead of "commercial supply". Therefore, this must be corrected and it is only for this reason CAN 2157 of 2018 is allowed and

disposed of with a direction to the respondent no. 2, the District Engineer, CESC, Calcutta Central Division, Kolkata to effect supply only in respect of

commercial supply to the original writ petitioner.

Today 13.04.2018 was fixed to effect supply. Let such supply be effected as per the letter dated 16.2.2018 keeping in mind the requirement of supply

viz. commercial.

As no affidavit in opposition has been filed, the allegation contained in the writ petition is not admitted.

Certified copy of this order, if applied for, be given to the parties on compliance of requisite formalities.