
(2018) 02 CAL CK 0026
In the Calcutta High Court
Case No : 51 of 2018

LUXMI NARAYAN CO-OPERATIVE HOUSING SOCIETY LTD. APPELLANT
Vs
CESC LTD. & ORS. RESPONDENT

Date of Decision : 15-02-2018

Acts Referred:

[Electricity Act, 2003](#), [Section 43](#) - Duty to supply on request

Citation : (2018) 02 CAL CK 0026

Hon'ble Judges : Patherya

Bench : Single Bench

Advocate : J.K. Sanwarwalla, F. Anjum, N. Mitra, M.K. Dey, K. Samajpaty

Final Decision : Dismissed

Judgement

1. By this application, all that the petitioner seeks is to disconnect the supply granted by the licensing company in the name of the private respondent no.5 and remove the meter bearing no.7011707.
2. Counsel for the petitioner submits that the deponent has been authorised by the petitioner to file this writ petition.
3. The electrical connection was granted on 12th April, 2017 and this came to the notice of the petitioner. Therefore, a letter was sent. As no step was taken, this writ petition has been filed.
4. Counsel for the licensing company submits that an application for new connection was made by the private respondent no.5. On compliance of all formalities, connection was also granted. No objection was also filed. Therefore, left with no alternative, the respondent no.2 granted new connection. No ground exists to either not grant connection or disconnect the same. Therefore, this application merits no order.
5. Having considered the submissions of the parties, it appears that all that the

petitioner seeks is to disconnect meter bearing no.7011707, installed in premises nos.31 and 32, Jackson Lane, Kolkata. Admittedly, the deponent has been authorised by resolution dated 30th January, 2018 to file this writ petition on behalf of the petitioner-registered society. All that the petitioner seeks is to disconnect the supply granted to the private respondent no.5 and the reasons for such disconnection will appear from the grounds. On a reading of the said ground, it appears that the same are of no consequence. In fact, the petitioner, on its own showing, has not been able to prove any written objection filed against the private respondent no.5 with the licensing company. Therefore, this, in itself, can be reason enough not to allow this writ petition.

6. In paragraph 4 of the writ petition, the petitioner has alleged that the private respondent no.5 is a political organisation and it is not in possession or occupation of any portion of the said premises. In paragraph 5 of the writ petition, the petitioner has averred that neither it nor its members have given consent or permission to the private respondent no.5 to obtain supply of electricity.

7. No consent or permission was required. All that is required is an application filed under section 43 of the Electricity Act, 2003 and the connection is to be made to the land owner or the occupier. The petitioner is not aware of the locus standi of the private respondent no.5. Therefore, this in itself would warrant no order on this writ petition.

8. Counsel for the petitioner submits that in spite of notice given, none has appeared on behalf of the private respondent no.5. Therefore, this is another reason to either adjourn the matter or to service notice once again.

9. This is an absurd submission. It is true that service has been made and the private respondent no.5 has not appeared before this Court today. Therefore, this cannot be a plea to allow the petitioner's writ petition.

10. In view of the aforesaid, this application warrants no order and is accordingly dismissed.

11. Certified copies of this order, if applied for, be supplied to the parties subject to their compliance with all the requisite formalities.