

27.08.2026
Item No.5
Court No.12
(gc)

MAT 1386 of 2026
CAN 1 of 2026

Sri Avijit Singha Roy & Anr.
Vs.
M/s. GTS Constructions & Ors.

Mr. Aniruddha Chatterjee,
Mr. Sumitava Chakraborty,
Mr. Basudeb Patra,
Ms. Bratati Pramanick,
Mr. Abirlal Chakraborty

...for the Appellants.

Mr. Biswaroop Bhattacharya,
Mr. Debnath Ganguly,
Mr. Aranya Saha,
Mr. Supriyo Dutta

...for the Respondent Nos.1& 2.

Mr. Pratik Majumder,
Mr. Priyabrata Thakur,
Ms. Sreetama Biswas,
Mr. Snehasish Dey

...for the Respondent Nos.9 & 10.

Mr. Debanjan Mukherjee,
Mr. Subhajit Chatterjee

...for the CESC Ltd..

Mr. Tapas Kr. Chatterjee, Ld. AGP.,
Mr. Suman Banerjee,
Mr. Sailen Naskar

...for the State.

1. This appeal has been filed challenging an order dated August 6, 2026 passed in WPA 15420 of 2026.
2. The writ petition was filed for restoration of electric supply, which was disconnected by the CESC because water was percolating to the existing meter board position. This was a safety hazard. In order to

avoid any accident, such steps were taken. CESC submits that, it was imperative that the supply be disconnected to prevent any kind of fire or electrification.

3. By the order impugned, the learned Single Judge directed the CESC authorities to restore connection to the writ petitioners, in the event the writ petitioners applied for connection before the CESC authorities in requisite form. CESC was directed to make available the quotation for the petitioners to deposit the costs and charges within two working days. Once, such deposit was made, CESC authorities were directed to forthwith take steps and employ men and machinery to remove the existing service cable and the associated installation from the existing meter board position, so as to enable the repairing job of the dilapidated meter board/wall by the writ petitioners. Such job was to be completed within three days from the date of deposit of the costs and charges by the petitioners. Once the aforesaid job was completed, the petitioners were granted liberty to carry out the repairs. Before carrying out the repairs, due intimation in this regard was to be given to the municipal authorities. The petitioners were also granted liberty to set up a separate meter board adjacent to the existing meter board position on the outer wall, in consultation with the CESC

authorities. If the CESC authorities found that the repair work had been achieved as per its requirement and that connection could be given from a separate meter board position to be created by the writ petitioners, then supply should be restored. We are informed that such electricity supply has already been restored by the CESC to the writ petitioners as also to others who had approached CESC.

4. Mr. Aniruddha Chatterjee, learned senior Advocate appearing on behalf of the appellants/landlords submits that the order impugned, although, appears to be innocuous, has directly affected the right of the landlords and is also contrary to the order passed by the Kolkata Municipal Corporation under Section 412A of the Kolkata Municipal Corporation Act, 1980.
5. The order passed by the Kolkata Municipal Corporation under Section 412A of the said Act was under challenge in WPO 354 of 2026 and WPO 358 of 2026. Appeals are pending from the order passed in those writ petitions. As all the writ petitions were disposed of by a single order of His Lordship, this appeal should not be entertained and the supply line should be directed to be disconnected.
6. According to Mr. Chatterjee, the writ petitioners and other occupiers did not have any right to remain in the premises and enjoy electricity. The premises are

in a dilapidated condition. Orders have been passed by the Corporation. It is further urged that, in the event the appeal is disposed of by us, and we do not direct disconnection of supply, the writ petitioners and the other occupants will claim additional rights and equity in respect thereof. It will be an acknowledgement by the High Court, of their right to remain in the premises.

7. Mr. Bhattacharya, learned Advocate for the writ petitioners submits that the challenge to the proceedings initiated by the KMC under Section 412A of the KMC Act, is still pending before His Lordship and an interim order has been passed by His Lordship, by sending the matter for mediation. The writ petition being WPA 15420 of 2026, has already been disposed of by His Lordship. The matters are not connected. The other two appeals arising out of WPO 354 of 2026 and WPO 358 of 2026, must be decided on their own merits.

8. Mr. Majumder, learned Advocate appearing for the added respondents in the original side matters, submits that the electricity connection should not create any equity in favour of the writ petitioners or other occupants.

9. After hearing the rival contentions of the parties, we are not inclined to interfere with the restoration of electricity to the persons in occupation. Electricity is an essential commodity. The right to live in a

healthy and dignified manner, has been guaranteed by our constitution. In modern times, living without electricity amounts to deprivation of a meaningful civilized living.

10. The appeal in this case is restricted to the issue of restoration of electric supply to those persons who were originally enjoying supply or had subsequently come in occupation of the premises. The status of these occupants is not decided in this proceeding. Secondly, restoration of electric supply to the persons in occupation of the premises can never create any right or equity in their favour and shall be subject to the proceedings initiated by the Kolkata Municipal Corporation or pending before civil court, as the case may be.
11. Accordingly, the appeal and the connected application are disposed of.
12. However, there shall be no order as to costs.
13. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)