

Order No. 36 dt. 15.5.25

Today is fixed for hearing of the petition dated 16.08.22 filed by the appellant u/s 151 of the CPC.

Both sides have filed hazira today.

Today written objection to the said petition is filed by the respondents. Let it be kept with the record.

The record is now taken up for hearing of the said petition in presence of both the sides.

Ld Advocate for the appellant while moving the said petition submitted that the appellant-defendant has no electricity connection in his tenanted premises and accordingly is in need of the same for running his laundry business therein and also for his living therein with his family. He further submitted that the defendant had approached the predecessor of the respondents and also the present respondents for the same but they had refused to provide him the electricity connection. He also stated that the appellant is ready to bear all costs of the electricity connection and for the electric meter to be installed by WBSEDCL for which he shall not claim any equity in future if the said connection is so provided. He prayed for allowing the present petition filed by the appellant u/s 151 of the CPC and consequentially for passing order permitting the appellant to bring new electric meter in his name from WBSEDCL in the suit premises in his own name and directing the said authority to supply the said electricity and install new electric meter therein.

Ld Advocate for the respondent submitted that the instant petition is firstly not maintainable u/s 151 of the CPC and that this court cannot allow such petition and direct the authority to act accordingly as such application should have been made under the relevant provisions of The West Bengal Premises Tenancy Act, 1997 and that too, before the trial court. He also submitted that as the relationship of landlord and tenant has already expired with the passing of the decree in the ld trial court in this matter, the instant prayer cannot be made by the appellant as he is no longer a tenant now. He further submitted that there is no scrap of paper in the record to show that the defendant has even applied for such electricity connection before the relevant authority and consequentially has been refused thereto and so there is no case made out for giving direction by this court for providing electricity in the tenanted premises in the name of the appellant. He prayed for dismissal of the instant petition.

Heard both the sides. Perused the petition and record. Considered.

It is apparent from the present appellate record and also from the trial court record that there is no scrap of paper filed by the appellant either before this court or before the ld trial court to show that the defendant had applied for electricity before the relevant authority at any point of time and consequentially had been refused by the said authority. There is also no whisper of refusal by the landlord/respondents in giving his consent/no

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objection to the said proposal. Hence, the prayer of the appellant herein for giving direction to the relevant authority to provide him electricity in the tenanted premises in his own name is without any basis. Moreover, this appellate court lacks the jurisdiction to give such direction to WBSEDCL when there is nothing in the record that the authority was approached by the appellant and it had improperly refused his prayer. The instant petition u/s 151 of the CPC is not maintainable and misconceived and is accordingly considered and rejected.

Let the next date be fixed for hearing of the appeal. Both sides to come ready for the hearing.

To 15.7.2025 for hearing of the appeal

Dictated & Corrected by

Sd/-

Addl. District Judge, 2nd Court
Serampore.

Sd/-

Addl. District Judge, 2nd Court
Serampore.

