

3rd October,
2023
(AK)
15

W.P.A 17416 of 2023

Kishan Kumar Sharma
Vs.
CESC Limited and others

Ms. Susmita Dey (Basu)
...for the petitioner.

Mr. Rajiv Lall
...for the CESC Limited.

Ms. Kakali Samajpaty
Ms. Kakali Naskar
...for the State.

Mr. Arka Maiti
Mr. Aniruddha Singh
...for the private respondent.

1. Learned counsel for the CESC Limited, at the outset takes a point of maintainability, since admittedly the CESC Limited has electrified the connection given to the petitioner and it is for the petitioner to install internal wiring to utilize such electricity.
2. Learned counsel for the petitioner submits that due to resistance by the private respondent, the electricity cannot be used by the petitioner.
3. Learned counsel for the private respondent submits that the document annexed as Annexure-P1 at page-10 of the writ petition is forged and the petitioner is seeking to give an impression of the petitioner's possession with

regard to the property, although the petitioner is not in possession of the property at all.

4. In view of the serious nature of the allegations, the respondents are directed to file their affidavits-in-opposition within a fortnight from date. Reply, if any, shall be filed by November 24, 2023.

5. The matter be listed on November 28, 2023.

6. The question of maintainability of the writ petition is kept open, since it has not yet been decided finally as to the exact role to be played by the distribution licensee and the private respondent *inter se*.

(Sabyasachi Bhattacharyya, J.)