

22.06.2026
SL No.2
Court No.12
(gc)

**MAT 1013 of 2026
CAN 1 of 2026**

**Sadhana Mondal @ Sadhana Mandal
Vs.
Shibani Adak Sikdar & Ors.**

Mr. Md. Nadeem,
Mr. Rejwan Ali

... for the Appellant.

Mr. Indranil Halder,
Ms. Neha Singh

....for the Respondent No.1.

1. Affidavit of service is taken on record.
2. Despite service, none appears on behalf of the CESC Ltd.
3. The appellant is aggrieved by an order dated June 12, 2026 passed in WPA 10765 of 2026. The appellant claims to be the owner of the property by virtue of a deed of gift and a Will. According to the appellant, the writ petitioner/respondent no.1 did not have any right, title and interest in respect of the property in question and a suit for eviction of a trespasser has been filed. The suit is pending. Thus, it is contended that, the direction of the learned Single Judge upon the CESC Ltd. to supply electricity to the writ petitioner was illegal. His Lordship directed that, upon compliance of all formalities and after removal of the existing meter which was in the name of the husband of the writ

petitioner, the supply should be given. The husband of the writ petitioner resides elsewhere and there appears to be a dispute between the husband and wife.

4. His Lordship granted liberty to the CESC Ltd. to break open the padlock in order to remove the existing meter and also seek help from the police if required.
5. The appellant submits that when the writ petitioner did not have iota of right in respect of the property in question, the direction for supply of electricity amounts to recognition of a non-existing right.
6. We are not in agreement with the submissions made on behalf of the appellant for the simple reason that, the writ petitioner is admittedly in possession of the premises in question and a suit for eviction of a trespasser is pending. The law requires that the distribution company and/or the licensee to provide electricity to anyone who is in occupation of a premise. The nature of occupation is not required to be looked into. However, we clarify that grant of electricity through a separate meter to the writ petitioner will not create any equity in her favour and the suit will be decided on its own merits, irrespective of the fact that electricity has been granted to her. Electricity is an

essential commodity and every person has a right to live in a habitable environment, with dignity. The right to enjoy electricity flows from Article 21 of the Constitution of India.

7. Under such circumstances, the appeal and the connected application are disposed of with the above clarifications.
8. The order of His Lordship is modified to the above extent.
9. The suit shall proceed in accordance with law and the learned Judge shall not be influenced by this order. The grant of electricity shall be subject to the result of the suit. The writ petitioner shall be required to comply with all formalities and requirements under the law.
10. However, there shall be no order as to costs.
11. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)