

08.03. 2021
jb.

W.P.A. 4522 of 2021
(Mukesh Mondal vs. CESC Ltd. & Ors.)

Mr. Indranil Halder
.... For the Petitioner

Ms. Aparajita Rao
Ms. Pallavi Ganghi
.... For the CESC

Mr. Pinaki Ranjan Bhattacharjee
Sk. Ayum Ali
Mr. Azizul Islam
.... For the Respondent Nos. 4-6

The grievance of the petitioner is directed against the refusal of the respondent CESC to supply an electricity connection by installing a new electric meter at the subject premises.

It is submitted on behalf of the petitioner that the private respondents are causing interference in the respondent CESC providing such service.

The respondent CESC is represented and hands over a copy of a sketch map wherefrom it appears that the access to the encircled portion mentioned in the sketch map is being resisted by the private respondents. It is further submitted on behalf of the CESC that they have no objection in providing an electric connection from the said portion but the private respondents are not permitting them to inspect the said electric meter. It is also submitted on behalf of the CESC that

the underground connection is a tar road which is a public premises.

The private respondents are represented and refer to a suit whereby the learned civil Judge, Junior Division, 6th Court Alipore had directed *status quo* in respect of the suit premises. The private respondents also submit that there are disputes by and between the petitioner and the private respondents and the disputes are purely civil in nature. It is further submitted on behalf of the private respondents that there is an electricity connection which is few metres away from the aforesaid encircled portion whereby the petitioner has been enjoying electricity in the name of his grand father. Moreover, in view of the disputes pending by and between the petitioner and the private respondents, the CESC should not be permitted to provide electric connection to the petitioner.

I have heard the parties. I have considered the submissions made on behalf of the parties. Keeping in mind that an essential service is being sought for by the petitioner, I am of the view that there is no merit in the objections raised by the private respondents.

The CESC is ready and willing to give a fresh electricity connection to the petitioner but the private respondents are creating an obstruction from the CESC carrying out their statutory duties.

In view of the aforesaid, I direct the respondent No. 3 being the Officer-in-charge of the Maheshtala Police Station to provide necessary police assistance to the representatives of the CESC in providing a fresh electricity connection to the premises of the petitioner. It is needless to mention that the petitioner will comply with all statutory formalities and make all necessary payments to the respondent CESC including the necessary payment for police assistance, in carrying out the aforesaid functions. The aforesaid exercise is to be completed by all the respondents within four weeks from the date of this order.

With the aforesaid directions, W.P.A. 4522 of 2021 is disposed of.

There shall be no order as to costs.

Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Ravi Krishan Kapur, J.)