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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3083 of 2020

Satyabrata Ghosh
Vs.
The Calcutta Electric Supply
Corporation Limited & Ors.

Mr. Supratick Syamal
... For the petitioner.

Mr. Ram Chandra Guchhait
... For CESC Limited

Mr. Jahar Datta,
Mr. Jaladhi Das
... For the State.

Affidavit of service filed in Court today is taken on record. It appears that neither the respondent no 4, nor the added respondent no.6 are represented despite service.

The petitioner is a tenant under the respondent no.6. In clauses 2 and 4 of the tenancy agreement annexed to the writ petition refers to the fact that monthly rental is without electricity and that the petitioner shall have to arrange for his own separate electric connection from the competent authority.

In the facts and circumstances, the petitioner applied for a new electricity connection from the existing service main at the building wherein the petitioner's tenanted portion is situated.

It is the case of the petitioner that the respondent no.4, resisted the petitioner from getting a new low tension metered connection from the existing service main.

On behalf of CESC Limited it is submitted that they were and still is ready and willing to give supply to the petitioner but due to the resistance from the side of the respondent no.4, the connection could not be given.

CESC Limited is directed to give a new low tension metered connection from the existing service main at the building in question within 25th February, 2021, upon the petitioner paying all necessary costs and charges and complying with the other requirements. The petitioner is not required to obtain no objection from the respondent no.6 as the tenancy agreement provides that the petitioner is to arrange for a separate electric connection of his own. It is expected that the respondents no. 4 and 6 shall cooperate with the officials of the CESC Limited and the petitioner at the time of execution of work by the officials of CESC Limited.

The respondent no.5, being the Officer-in-Charge, Phool Bagan Police Station, is directed to ensure that there is no breach of peace at the premises in question during execution of work by the officials of CESC Limited for the purpose of giving LT

metered connection to the petitioner from the existing service main. The petitioner and CESC Limited shall serve a copy of this order on the respondent no.5 well in advance indicating in the forwarding letter the date and tentative time when the officials of CESC Limited shall execute the work so that the said respondent no.5 can take necessary steps.

It is made clear that the new connection to the petitioner shall neither create any new right nor abridge or extinguish any existing right of the petitioner vis a vis respondent no.6, so far as the tenanted portion is concerned.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance of the necessary formalities.

(Arindam Mukherjee, J.)