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(Through Video Conference)

WPA 8090 of 2021

Sharmila Yadav
Vs.
CESC Limited & Ors.

Mr. Rajdeep Bhattacharya, Advocate
... ... for the Petitioner

Mr. Suman Ghosh
Mr. Debanjan Mukherjee, Advocates
... ... for the CESC

Mr. S. Banerjee,
Mr. D. Nandi, advocates
... ...For the private respondents

Report as called for by the order dated May 19, 2021 filed in Court be taken on record.

Learned advocate appearing for the CESC submits that on inspection, the CESC Authorities suggested that the petitioner should provide an alternative site for installation of the electric meter.

Learned advocate appearing for the petitioner submits that an alternative site is ready.

Learned advocate for the CESC submits that the CESC should be allowed to make a further inspection.

Learned advocate appearing for the private respondents submit that there subsists an order of injunction. The petitioner is seeking electricity in order to buttress his case on the basis of forged deed. There is a civil suit pending.

There is a civil suit pending between the private parties. The subsisting orders passed in the civil suit do not prevent any of the parties to the

suit obtaining electricity connection. A person in settled possession is entitled to electricity. Obtaining electricity will not add any right, title, interest or equity in respect of the property concerned.

In such circumstances, CESC will proceed to make a further inspection of the property concerned. In the event, CESC are of the opinion that they can provide electric supply to the petitioner at the new site provided by the petitioner or in any suitable site identified by the CESC Authorities and agreed to by the petitioner, CESC Authorities will proceed to provide electric supply to the petitioner. This, however, will be subject to the compliance of all formalities by the petitioner and payment of costs, charges and expenses.

It is clarified that this order will not create any additional right, title, interest or equity in favour of the petitioner by obtaining electric connection by virtue of this order.

In the event, CESC finds any obstruction in implementing this order, they are at liberty to approach the local police Authorities for police assistance. Local Police Authorities are directed to provide adequate police protection to the CESC Authorities for implementation of this order.

WPA 8090 of 2021 is disposed of accordingly.

(Debangsu Basak, J.)