

32
07.12.2021.
mb

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 10059 of 2021

Basudev Paul

-vs.-

The Calcutta Electric Supply
Corporation Limited & Ors.

Mr. Somnath Ghosal,
Mr. Satyajit Senapati
...for the petitioner

Mr. Smita Das De
...for the CESC Limited

Mr. Biplab Majumder
...for the respondent nos. 5 and 6

Affidavit-of-service filed in Court today be kept on
record.

The petitioner contends that, despite having
applied for a new connection and being a tenant in
respect of premises No. 37/38, Sanatan Mistry Lane,
the CESC Limited has not given such new connection
on the ground that they could not carry out inspection
of the said premises since the meter board
room/position was not accessible.

Learned counsel appearing for the CESC Limited
submits that although the writ petitioner, who is a
purported tenant in respect of the premises, has alleged
that the petitioner's previous connection was severed by

the private respondents-landlords, the CESC Limited has no jurisdiction or authority to enter into such dispute, particularly since a civil suit is pending between the parties within the purview of a competent civil court.

Learned counsel appearing for the private respondents denies that the private respondents have created any hindrance to the electric connection being taken by the petitioner at premises No. 37/38, Sanatan Mistry Lane. However, it is clarified on behalf of the private respondents that the said premise is different and distinct from premises no. 37, Sanatan Mistry Lane, regarding which the petitioner has apparently produced documents.

In view of the private respondents disowning their objection, there cannot be any hindrance for the CESC Limited to hold an inspection and, if feasible, to give a new connection to the petitioner, as per the petitioner's application.

Accordingly, W.P.A. No. 10059 of 2021 is disposed of by directing the CESC Limited to hold an inspection through its personnel for the purpose of ascertaining the feasibility of giving a new connection, as per the petitioner's application, at the earliest at premises No. 37/38, Sanatan Mistry Lane, Howrah-711106.

In the event the CESC Limited officials find it feasible to give a new connection, the CESC Limited shall give a new connection to the petitioner's premises as expeditiously thereafter as possible.

In the event the CESC Limited personnel face any hindrance/obstruction at the time of holding such inspection and/or giving new connection, the CESC officials will be free to approach the respondent no. 4, that is, the Officer-in-Charge, Golabari Police Station, for adequate police help, at the cost of the petitioner, for the purpose of holding such inspection and/or giving a new connection.

If so approached, the respondent no. 4 shall act on the basis of the written communication of the learned advocates for the parties, on the basis of a server copy of this order, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)