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08.12.2021
TN

WPA No.15640 of 2021

M/s Santas Fantasea and another
Vs.
Calcutta Electric Supply Corporation Limited
and others

Mr. Dwaipayan Basu Mullick,
Mr. Arkaprava Sen,
Mr. Suvakar Das

.... for the petitioners

Mr. Debanjan Mukherji

....for the CESC Limited

Learned counsel for the petitioners fairly submits that the petitioners have suffered an award of eviction passed by an Arbitrator, dated November 30, 2021. It is further contended that, despite having complied with all formalities, the CESC Limited has not given electric connection on the petitioners' application.

Learned counsel submits that, under the law, it is well-settled that even an unauthorised occupant is entitled to electricity and that the right to have an electric connection is a corollary of the right to live, guaranteed in the Constitution of India.

Learned counsel appearing for the CESC Limited submits that there is no other objection from the end of the CESC Limited, subject to compliance of all formalities by the petitioner, in giving an electric connection. However, the private respondent nos.4 and 5 and their men and agents have been creating an obstruction to the CESC officials when they went to give such connection.

It appears that the private respondents, despite service, have habitually been abstaining from the hearing of the matter. As such, there is no other option but to dispose of the writ petition in the absence of the private respondents.

Accordingly, WPA No.15640 of 2021 is disposed of by directing the CESC Limited to give a new connection to the petitioner, subject to compliance of all formalities at the existing meter board position within a fortnight from date, subject to compliance of all formalities. In the event any resistance is offered by the private respondent nos.4 and 5 and/or their men and agents in such act of the CESC officials, the officials will be at liberty to approach the respondent no.3 herein, that is, the Officer-in-Charge, Rabindra Sarobar Police Station for adequate police help. If so approached, the respondent no.3 shall immediately

grant such assistance to the CESC officials at the cost of the petitioners.

It is further clarified that in the event the CESC officials face any hindrance and/or any padlock is affixed to the entry of the location of the existing electric meter, the respondent no.3 shall be at liberty to have the said padlock broken for the limited purpose of giving access to the CESC personnel.

The parties and all concerned shall act on the written communication of the learned Advocates, accompanied by 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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)