

1st December,
2021
(AK)
17

W.P.A 16059 of 2021

Parashuram Yadav
Vs.
The Calcutta Electricity Supply Corporation and others

Mr. Dipayan Kundu
...for the petitioner.

Mr. Chayan Debnath
Mr. Hirendra Kumar Basu
...for the private respondent no.4.

Mr. Debjit Mukherjee
...for CESC.

Mr. Jahar Datta
Mr. Bipin Ghosh
...for the State.

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

Learned counsel for the petitioner contends that the petitioner is a licensee under the private respondent in respect of the premises-in-question.

Despite having applied for new electric connection in his own name, the CESC has not yet acted upon such application, in spite of the compliance of formalities by the petitioner, due to resistance created by the private respondent.

Learned counsel for the CESC submits that, in the present case, there is no other impediment in giving electric connection but for the obstruction raised by the private respondent-landlord.

It is further submitted that, since there is no dispute regarding title, the matter need not be referred to the District Magistrate.

Learned counsel for the private respondents, when counsel for the other parties have finished arguments, prays for an adjournment for the day.

Upon being refused, learned counsel prays for liberty to file an affidavit-in-opposition to “elaborate the details” of the matter.

However, in view of the scope of the present writ petition being extremely limited and in view of there being no scope for further production of documents, it is automatically deemed that the contentions raised in the writ petition perpetrate are denied by the private respondent-landlord.

Since the petitioner is waiting for electric supply, which is a basic necessity, in this particular matter there is no scope for directing affidavits and it appears to be a ploy of the landlord to resist the petitioner from getting electricity supply during the pendency of a civil suit which is admittedly pending at the behest of the petitioner.

Upon hearing learned counsel and perusing the materials-on-record, it is apparent that the petitioner has been enjoying an interim order of injunction from the civil court restraining the defendants and his men and agents from creating any kind of obstruction, disturbance and interference with respect to the enjoyment of the petitioner in respect of the disputed property.

That apart, in view of there being no dispute regarding the title of the private respondent, there is no impediment in the petitioner getting an independent electric supply in his own name.

The frivolous objection taken by the private respondent, that it will be very difficult for the private respondent to give access to the existing meter box, from which the private respondent has been given electric connection, does not weigh much in view of the patent efforts by the owner to deprive the petitioner from getting electric supply, which is a basic necessity of life.

As such, WPA 16059 of 2021 is disposed of, thereby directing the respondent no.2 to ensure that the new electric connection is given to the petitioner, subject to compliance of all formalities, in terms of the application for such purpose made by the petitioner, at the earliest, preferably within December 8, 2021, from the existing electric meter at the premises.

It is made clear that, in the event the private respondents and/or their men and agents create an obstruction to such connection being given by the personnel of the CESC, the officials of the CESC will be free to approach the respondent no.3, that is, Officer-in-Charge of the Beliaghata Police Station.

If so approached, the respondent no.3 shall provide adequate police assistance, for the purpose of giving such connection, at the cost of the petitioner.

The parties shall act on the written communication of the learned advocates for the parties, accompanied by a

server copy of this order, without insisting upon prior production of a certified copy.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)