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

W.P.A. No. 20343 of 2021

**Rani Begum & Anr.
-vs.-
The CESC Limited & Ors.**

Mr. Soumitra Deb
...for the petitioners

Mr. Suman Ghosh
...for the CESC Limited

Mr. Rupraj Banerjee,
Mr. Soham De Dhara
...for the respondent nos. 5 to 9

The grievance of the petitioners is that, although the petitioners are co-owners in respect of the property-in-question, the electric supply taken by the petitioners previously from the electric meter of the private respondents was severed.

Subsequently, the petitioners applied for new connection, upon which the CESC personnel were obstructed by the private respondents and/or their men and agents from giving such connection, causing immense difficulties to the petitioners.

Learned counsel appearing for the CESC Limited corroborates the contention of the petitioners that an application for new connection was made by the petitioners and, subsequently, the private respondents

have been creating hindrance to the CESC personnel while taking inspection for the purpose of giving such connection.

Learned counsel appearing for the private respondents submits that the private respondents do not admit the co-ownership of the petitioners and it is their contention that the petitioners are merely occupiers of the premises without having any right. That apart, in the event a new connection is given to the petitioners, the private respondents apprehend that a special equity may be construed to have been created in favour of the petitioners.

Learned counsel appearing for the private respondents further prays for a reference of the matter to the concerned District Magistrate to decide on the disputes raised by the private respondents.

However, it appears from the materials-on-record and from the submission of learned counsel for the CESC Limited that no formal objection has been raised till date by the private respondents with the Distribution licensee.

That apart, since the petitioners are admittedly in occupation of the premises-in-question, the petitioners are entitled, both under Section 43 of the Indian Electricity Act, 2003 and as a corollary to the fundamental right to life guaranteed by the Constitution of India, to get such connection. However, there cannot

arise any question of creating any special equity in favour of the petitioners, *ipso facto*, if electric connection is given. There does not arise any occasion for reference of the matter to the District Magistrate in the present case in view of the above circumstances.

Accordingly, W.P.A. No. 20343 of 2021 is disposed of by directing the CESC Limited to hold an inspection for the purpose of giving a new connection to the petitioners and, if it is found by the CESC personnel that giving such new connection is feasible, technically and otherwise, the CESC Limited shall give such connection from the existing meter board position at the premises-in-question in favour of the petitioners, subject to compliance of all due formalities by the petitioners.

In the event the CESC personnel are resisted in doing so by the private respondents and/or their men and agents, respondent no. 4, that is, the Officer-in-Charge, Ekbalpore Police Station, shall give adequate police assistance to the CESC personnel, upon being so approached, for the purpose of holding such inspection and, if found feasible, in giving a new connection subsequently. Such police help, if granted, shall be rendered at the cost of the petitioners.

It is made clear that in the event the CESC personnel face any obstruction or hindrance in having access to the existing electric meter board position, the

police personnel will be at liberty to break open any padlock or other hindrance to their access to the said meter board at the time of inspection as well as while giving new connection to the petitioners.

It is, however, clarified that no special equity and/or privilege shall be bestowed upon the petitioners merely by virtue of the electric connection being given.

All parties shall act on the 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.)