

16
24.12.2021
TN

WPA No.20543 of 2021

Hari Kishor Prasad Yadav
Vs.
CESC Limited and others

Mr. Sukanta Das
.... for the petitioner

Mr. Saurav Chaudhuri
.... for the CESC Limited

Mr. S. Mukherjee
.... for the respondent no.5

Learned counsel for the petitioner submits that despite the petitioner having applied for restoration of electric connection, the CESC Limited is sitting tight over the matter. It is argued that initially the CESC had intimated the petitioner that the supply was regretted on the ground of split load. However, subsequently such stand was changed and a communication given to the petitioner indicating that the matter has been referred to the commercial department of the licensee for reconnection.

Learned counsel appearing for the private respondent vehemently objects to such contentions

and submits that the petitioner is not in physical occupation of the premises where the electric connection has been sought. By virtue of taking such electric connection, the petitioner is seeking to create equity in his favour.

Learned counsel for the CESC Limited hands up a copy of certain requirements which have allegedly not been complied with by the petitioner. It is submitted by the CESC Limited that such compliance is a prerequisite of restoring the connection.

Upon hearing learned counsel for the parties, and keeping the documents handed over by learned counsel for the CESC Limited on record, it is evident that the petitioner has to comply with all formalities in accordance with law prior to the petitioner giving the reconnection. The objection of the private respondent has to be disregarded in view of the specific objection of Section 43 of the Electricity Act, 2003 as regards the right of an occupier to have electric connection despite the legality or illegality of such right. Although it has been contended by the private respondent that the petitioner is not in physical possession of the premises, it is for the CESC Limited to ascertain, while taking inspection and giving such restoration of connection, whether all formalities necessary for

restoration of the connection have been complied with.

That apart, the CESC Limited has no further charter to adjudicate or enter into the disputes as regards the respective titles of the parties in respect of the property.

In such scenario, WPA No.20543 of 2021 is disposed of by directing the CESC Limited to restore the electric supply to the petitioner's meter, subject to compliance of all formalities as indicated by the CESC Limited in the document handed up today. A verbatim reproduction of the document handed over in court today shall be communicated, by whatever mode, by the CESC Limited to the petitioner, within three days from date. On the petitioner complying such formalities, the CESC Limited shall restore such connection irrespective of the objections taken by the private respondent, however, subject to any order or decision, which may be taken in respect of the civil suit pending between the private parties.

It is made clear that the electric connection, if given, shall not create any special equity in favour of the petitioner.

In the event there is any resistance given on the part of the private respondent and/or her men and agents to the CESC officials, when the latter go to the

premises for giving such connection, the CESC officials shall be at liberty to approach the respondent no.4, the Officer-in-Charge, Kasba Police Station to grant adequate police assistance in that regard. If so approached, the respondent no.4 shall immediately grant such police help at the cost of the petitioner.

The parties shall act on the server copy of this order, without insisting upon prior production of a certified copy, for the purpose of compliance.

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.)