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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22209 of 2019

Joy Majumder & Co.
Vs.
C.E.S.C. Limited & Ors.

Mr. R. K. Kali,
Mr. S. Bhattacharya,
Ms. P. Choudhury
... For the petitioner.

Ms. Sumouli Sarkar
... For CESC Limited.

Affidavit of service filed in Court today is
taken on record.

The petitioner says that the petitioner has
constructed a six storeyed residential building at
premises no.66, Humayun Kabir Sarani, Block – G,
New Alipore, Kolkata – 700 053 (hereinafter referred
to as said premises). The petitioner has applied for a
new service connection at the said premises so that
the separate units in the said premises can be
catered through such service main by installing
individual meters. Pursuant to such application,
CESC Limited, the licensee, has raised their bill for
cost and expenses to provide such service main. The
petitioner has deposited the same on 23rd February,
2018. Despite such payment, no connection has been
given as a result whereof, this writ petition is filed.

On behalf of CESC Limited, it is submitted

that new underground cable has to be laid down as the load requirement at the said premises does not permit connection to be given through the existing cable. It is further submitted by CESC Limited that for the purpose of executing the work of laying underground cable on public road has been resisted and as such, they have not been able to grant the connection. It is also submitted by CESC Limited that the involvement of Kolkata Municipal Corporation (in short, KMC) is also there as the public road wherein the work has to be undertaken is maintained by KMC.

The Officer-in-Charge, New Alipore Police Station and the Executive Engineer, KMC, Borough X, have been added as respondent nos. 3 and 4, in terms of the order dated 11th February, 2020.

Considering the materials on record and the submissions made on behalf of the parties, I direct CESC Limited to execute the necessary work and grant service main connection at the said premises within 8th February, 2021.

The respondent no.3, being the Officer-in-Charge, New Alipore Police Station, shall ensure that there is no breach of peace in the locale and around the said premises while CESC Limited executes the work of laying down the underground cable for the

purpose of granting connection to the petitioner.

The respondent no.4, being the Executive Engineer, KMC, Borough-X, is directed to render all cooperation to CESC Limited and the petitioner for the purpose of giving a service main connection at the said premises. The petitioner, however, will have to make all payments, if not already paid, and comply with other statutory requirements for the purpose of availing service main connection at the said premises.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)