

AD. 8.
January 21, 2022.
MNS.

(Through Video Conference)

WPA No. 479 of 2022

Subha Bhattacharya
Vs.
CESC Limited and others

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder

...for the petitioner.

Ms. Sumouli Sarkar

...for the CESC Limited.

Ms. Mitali Mukherjee,
Mr. Subir Sabud

...for the respondent no. 4.

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

Learned counsel for the petitioner argues that,
due to hindrance put up by the private respondent, the
officials of the CESC Limited could not hold an
inspection for the purpose of giving new electric
connection to the petitioner.

Learned counsel appearing for the private
respondent, on the other hand, submits that a suit for
eviction of licensee is pending against the petitioner at
the behest of the private respondent and the private
respondent is the owner of the premises-in-question. As
such, the petitioner is seeking to create a right, which

the petitioner does not otherwise have, in the premises by way of taking new electric connection.

Learned counsel for the CESC Limited places reliance on the communication dated December 6, 2021 which indicates that there is already an existing service connection at the premises, which precludes the CESC Limited from giving fresh service connection to the petitioner. However, learned counsel, in her usual fairness, submits that the CESC Limited has no issues in the event the petitioner complies with all formalities, to install a new electric meter in the name of the petitioner in the premises-in-question, subject to unhindered access being given to the officials of the CESC Limited to hold a necessary inspection.

The mere pendency of a suit cannot come in the way of the assertions by the petitioner of the petitioner's right to get a new electric connection as conferred by Section 43 of the Electricity Act, 2003. Needless to say, no right and/or special equity shall be created in favour of the petitioner merely by virtue of taking an electric connection to the premises.

As such, WPA 479 of 2022 is disposed of by directing the CESC Limited to hold an inspection at the premises for the limited purpose of installing a new electric meter in the name of the petitioner at the premises, subject to the petitioner complying with all formalities. The inspection shall be held within a fortnight from date and/or the compliance of all

formalities by the petitioner, whichever is earlier. Thereafter, if it is otherwise feasible and the petitioner complies with all necessary formalities, the CESC Limited shall give such new electricity meter in the name of the petitioner at the premises-in-question.

It is made clear that in the event any obstruction is raised by the private respondent and/or the men and agents of the private respondent in holding such inspection and/or installation of the new meter by the CESC Limited personnel, it will be open to the personnel of the CESC Limited to approach the respondent no. 3, that is, the Officer-in-Charge of Behala Police Station, for adequate police assistance in that regard.

If so approached, the respondent no. 3 shall act on a server copy of this order and grant such assistance to the officials of the CESC Limited, both for the purpose of holding an inspection as well as installing new electric meter, if otherwise permissible in law, at the cost of the petitioner.

It is made clear that if a new electric meter is given and/or inspection is held for such purpose by the CESC Limited, no special right and/or equity will be created in favour of the petitioner merely by virtue of taking such electric connection and the respective rights and interests of the parties in the property shall be decided in terms of the outcome of the civil suit pending between the private parties.

In the event any padlock is put in the way of the personnel of the CESC Limited of holding the inspection and/or installing the new electric meter, it will be open to the police authorities to remove such padlock for the limited purpose of the CESC Limited personnel to hold such inspection and/or give such electric meter.

It is expected that the CESC Limited, upon holding such inspection, shall endeavour to give new electric meter to the petitioner, subject to compliance of all formalities, within a fortnight thereafter.

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.)