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21.01.2022
TN

WPA No.730 of 2022

Ayub Khan
Vs.
CESC Limited and others

(Via Video Conference)

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder

.... for the petitioner

Mr. Debanjan Mukherjee

.... for the CESC Limited

Despite service, none appears for the private respondent, although the petitioner and the distribution licensee are represented through counsel.

The limited grievance of the petitioner is that, despite having complied with the formalities, the CSEC Limited personnel are being prevented by the private respondent no.4 from giving such connection to the petitioner.

Learned counsel appearing for the CESC Limited submits that the CESC Limited, by its communication dated December 11, 2021 to the petitioner, insisted upon compliance of certain technical formalities by the petitioner. Subject to such

formalities being fulfilled, the CESC Limited has no objection in principle to give the connection. However, the allegation of resistance being put up by the private respondent is corroborated by learned counsel for the CESC Limited as well.

Since the private respondent has chosen to go unrepresented despite service, the writ petition is being decided in the absence of the private respondent.

WPA No.730 of 2022 is allowed, thereby directing the CESC Limited to hold inspection for the purpose of giving a new electric connection to the petitioner, subject to compliance of all formalities, technical and otherwise, by the petitioner, within a fortnight from date and/or from compliance of such formalities, whichever is earlier.

In the event the CESC officials are resisted from any quarter, including the private respondent no.4 and/or his men and agents, it will be open to the CESC personnel to approach the respondent no.3 for adequate police assistance.

If so approached, the respondent no.3, that is, the Officer-in-Charge, Mahestala Police Station, shall render adequate police assistance to the CESC personnel for the purpose of giving such connection

and/or ancillary inspection, if necessary, at the cost of the petitioner.

It is made clear that in the event there is any padlock put up to the access of the CESC personnel in reaching the location of the proposed electric meter, the police personnel will be at liberty to break open such padlock for the limited purpose of giving access to the CESC personnel.

The parties shall act on the written communication of the learned Advocates for the parties, along with server copy of this order without insisting upon prior production of a certified copy.

It is expected that the CESC shall complete the entire exercise of giving the new connection to the petitioner, subject to compliance of all formalities by the petitioner, within three weeks from compliance of all the formalities and/or the inspection, whichever is earlier.

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.)