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25.03.2022.
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 2263 of 2022

Jawed Akhtar
-vs.-
CESC Limited & Ors.

Mr. Uddipan Banerjee
...for the petitioner

Mr. Debjit Mukherjee
...for the CESC Limited

Mr. Naba Kumar Das,
Mr. Subhabrata Das
...for the State-respondents

Mr. Prabir Bhattacharyya
...for the private respondent nos. 3 to 5

Affidavit-in-opposition filed by private respondent nos. 3 to 5 and affidavit-in-reply filed by the petitioner today be kept on record.

Learned counsel appearing for the petitioner contends that due to resistance created by the private respondent nos. 3 to 5, the CESC Limited is not being able to give a new electricity connection to the petitioner as per the petitioner's application.

Learned counsel appearing for the private respondents places reliance on his affidavit-in-opposition and contends that the petitioner, although a

tenant, has not been residing in the rooms, in respect of which the electricity connection has been sought by the petitioner.

It is further alleged by learned counsel for the private respondents that the petitioner has been creating noise pollution while running his business from the shop room at the ground floor of the premises.

Learned counsel appearing for the CESC Limited submits that since there is an existing meter board, the new connection, if any, to the petitioner has to be given from the said existing meter board position.

Upon hearing learned counsel appearing for the parties, it is clear that the nature of allegations levelled by the private respondents cannot be resolved in the present writ petition, since the limited scope of enquiry of the same is the entitlement of the petitioner to get a new electricity connection at the premises. Irrespective of the allegation of the private respondents that the petitioner is not physically residing at the premises-in-question, it is for the private respondents to approach the appropriate civil court seeking proper remedy in the matter. However, insofar as the right to get electricity is concerned, the petitioner is entitled to get the electricity in his name at the premises under Section 43 of the Electricity Act, 2003.

In such view of the matter, W.P.A. No. 2263 of 2022 is disposed of by directing the CESC Limited to

give a new electricity connection to the petitioner as per the petitioner's application, subject to compliance of all formalities by the petitioner, preferably within a fortnight from the date of completion of such formalities and/or this date, whichever is later.

However, in the event any obstruction is raised by the private respondents and/or their men and agents in giving such connection, it will be open to the CESC personnel to approach the local police station for adequate police assistance.

If so approached, the police authorities shall give such assistance to the CESC personnel, at the cost of the petitioner, for the limited purpose of ensuring that the CESC personnel can give such connection to the petitioner from the existing meter board position.

In the event the private respondents have any other allegation regarding illegal usage of electricity by the petitioner subsequently, it will be open to the private respondents to take recourse to law in such regard.

The parties shall act on the written communications of the learned advocates of the parties, coupled with server copies 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.)