

22nd February,
2022
(AK)
03

WPA 2422 of 2022

(Via Video Conference)

Smt. Moushumi Jana
Vs.
The CESC Limited and others

Mr. Soumitra Deb
Ms. Faiza Mashkoor

...for the petitioner.

Mr. Suman Ghosh

...for CESC Limited.

Mr. Sanjib Bandyopadhyay

...for the private respondent nos.5 & 6.

Learned counsel for the petitioner submits that due to the resistance being put up by the private respondents, the CESC personnel are not being able to give new electric connection in the name of the petitioner at the premises, where she is residing.

Learned counsel appearing for the CESC Limited submits that although due formalities have been complied with by the petitioner, the CESC is not being able to give such connection due to the obstruction created by the private respondent nos.5 and 6 and their men and agents.

Learned counsel appearing for the private respondent nos.5 and 6 submits that the petitioner is not a tenant in respect of the premises at all and the

document, a photocopy of which has been annexed to the writ petition are, as per the allegation of the private respondents, fraudulent and fictitious.

Learned counsel appearing for the respondent nos.5 and 6 further submits that the petitioner has not been paying any rent and/or electric charges or other dues even as per the said agreement and, as such, the possession of the petitioner in respect of the premises is unlawful.

However, since it is well-settled that, within the contemplation of Section 43 of the Electricity Act 2003, any person in 'settled possession' of a premises is entitled to electric connection as an occupier, the private respondents have no right as such to prevent the petitioner from getting electricity connection in her name .

However, needless to say, it will be open to the private respondent nos.5 and 6 to approach any competent civil court or any other appropriate forum for seeking the relief against the petitioner as prayed for, in respect of the alleged dues and the other allegations levelled by the private respondent nos.5 and 6 against the petitioner.

Subject to such observations, WPA 2422 of 2022 is disposed of by directing the CESC Limited to give new electric connection to the petitioner, subject to compliance of all formalities by the petitioner, at the earliest.

In the event the CESC personnel are obstructed by respondent nos.5 and 6 and/or their men and agents while taking any steps with regard to giving such new electric connection at the existing meter board position, including installation of new meter, it will be open to the CESC personnel to approach the respondent no.4, the Officer-in-Charge of the Parnasree Police Station for adequate police assistance in that regard.

If so approached, the respondent no.4 shall grant such police assistance to the CESC personnel for the above purpose at the cost of the petitioner.

If necessary, the police personnel will be at liberty to break open any padlock or other hindrance put up the access of the CESC Personnel to the existing meter board position.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)