

AD. 18.
March 25, 2022.
MNS.

WPA No. 2437 of 2022

Syed Jamal Alam Meerza and another
Vs.
The Calcutta Electricity Supply
Corporation and others

Mr. Dhiman Roy,
Mr. Partha Sengupta,
Mr. Dip Chanda

...for the petitioners.

Mr. Suman Ghosh
...for the CESC Limited.

Mr. Narayan Chandra Bhattacharyya,
Ms. Sujata Ghosh

...for the State.

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

Despite service, none appears on behalf of the
private respondents, although the petitioners, the
CESC Limited and the State are represented though
counsel.

The limited grievance of the petitioners is that,
due to resistance created by respondent nos. 4 to 9,
the CESC Limited personnel are not being able to
give electricity connection to the petitioners as per
the petitioners' application, despite the petitioners
having complied with the preliminary formalities.

Learned counsel appearing for the CESC
Limited corroborates such factual position.

Since the private respondents have chosen to abstain from the hearing of this matter despite being in receipt of a copy of the writ petition, the matter is being taken up for hearing *ex parte* against the private respondents.

The petitioners are entitled to electricity under Section 43 of the Electricity Act, 2003, subject to compliance of formalities. Thus, in view of sufficient justification having been made out in the writ petition for grant of the prayers made therein, WPA 2437 of 2022 is allowed, thereby directing the CESC Limited to give a new electricity connection to the petitioners' premises subject to compliance of all formalities by the petitioners, as expeditiously as possible, preferably by April 1, 2022.

In the event the CESC Limited personnel face any hindrance in doing so from the private respondents and/or their men and agents, the said personnel shall be entitled to approach the respondent no. 3, that is, the Officer-in-Charge, Ekbalpore Police Station, for adequate police assistance.

If so approached, the respondent no. 3 shall act on a server copy of this order, along with the communication of the learned Advocates for the respective parties, and grant such police assistance to the CESC Limited personnel for the limited purpose of giving electricity connection to the

petitioners. Such police assistance shall be given at the cost of the petitioners.

In the event the CESC Limited personnel face any hindrance, including any padlock, on their way of access to the existing meter board position, it will be open to the police personnel to break open the padlock and remove the hindrance for the limited purpose of giving the CESC Limited personnel access to the existing meter board position for giving the connection to the petitioners.

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.)