

AD-50  
Ct No.09  
21.11.2022  
TN

WPA No. 4260 of 2022

M/s MRK, represented by proprietor  
Radha Nath Nandy  
Vs.  
M/s. Calcutta Electric Supply Corporation  
Limited and others

Mr. Radha Nath Nandy  
.... petitioner (in person)

Mr. Debanjan Mukherji  
.... for the CESC Limited

At the time of call, none appears for the private respondent, although the petitioner and the CESC Limited are represented, in person and through counsel respectively.

The grievance of the petitioner, appearing in person with the leave of court, is that the petitioner's application for a new service connection for running his shop was refused by the CESC Limited.

Learned counsel for the CESC Limited submits that there is already an existing service connection at the same premises in the name of the private respondent, who is apparently the landlord of the petitioner. As such, it is not feasible, as per the CESC Limited, to give another service connection to the

same premises which, if given, would create several technical issues.

The petitioner cites an unreported judgment of a coordinate Bench of this court dated June 19, 2019 passed in *WP 10085 (W) of 2019 (Shree Ramdoot Rollers Private Limited vs. Damodar Valley Corporation & Ors.)*, for supporting his proposition.

However, it transpires from the said judgment that the same was on a different footing and there was a sale under the SARFAESI Act, 2002 on 'as is where is' basis. The learned Single Judge had, in the passing, observed that Regulation 4.6 of the extant Regulations provide that the same applies to the consumer applying for a fresh service connection after the due termination occurs as a consequence of expiry of 180 days after non-payment of dues by the same consumer. The said Regulation was held not to have any manner of application in the case cited by the petitioner, who was completely a new consumer, it was observed.

In the present case as well, Regulation 4.6 has no manner of application, since the petitioner is a tenant under the private respondent, the latter already enjoying service connection at the premises which is still subsisting.

In view of the stand taken by the CESC Limited on a practical basis, the prayer of the petitioner cannot be allowed in its present form.

WPA No. 4260 of 2022 is, thus, disposed of by granting liberty to the petitioner to apply for a fresh electricity metered connection for running his shop at the premises-in-question. If so applied, the CESC Limited shall process the application expeditiously and give such connection to the petitioner from the existing meter board position at the concerned premises, subject to compliance of due formalities by the petitioner in that regard.

In the event any resistance is offered from any quarter to the petitioner in getting such connection, it will be open to the CESC Limited to approach the local police station for adequate police assistance, which will be given at the cost of the petitioner by the said police station.

It is further clarified that if the CESC personnel face any hindrance, including any padlock being affixed, in getting access to the existing meter board position for the above purpose, the police officials will be at liberty to break open such padlock or remove the hindrance for the limited purpose of giving access to the CESC personnel in the light of the above observations.

It is, however, made clear that the respective civil rights, title and interest of the private parties in the litigation have not been gone into by this court and it will be open to both the private parties, that is, the petitioner and the private respondent, to urge such points as available to them in law before any appropriate forum.

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.)