

05
18.04.2022
TN

WPA No. 4763 of 2022

Md. Firoz
Vs.
The CESC Limited and others

Mr. Sunny Nandy,
Mr. Subha Pathak,
Mr. Tamal Singha Roy

.... for the petitioner

Ms. Soma Roy Chowdhuri

.... for the CESC Limited

Mr. Rabindra Narayan Dutta,
Mr. Syed Nasirul Hossain

.... for the State

Mr. Mohinoor Rahaman,
Mr. Sk. Abu Musa

.... for the respondent no.4

The limited grievance of the petitioner is that, despite the petitioner being a tenant in respect of the premises-in-question, due to resistance created by the landlord/private respondent no.4, the CESC Limited is not being able to give such new connection in the name of the petitioner, although appropriate inspection has already been held by the CESC Limited

and the petitioner has complied with the preliminary formalities.

Learned counsel for the CESC Limited submits that the CESC Limited has no objection to give such connection to the petitioner, subject to appropriate direction on the CESC Limited being passed by this court, in view of the obstruction raised by the private respondent no.4.

Learned counsel appearing for the private respondent no.4 contends that the writ petitioner is not the tenant in respect of the property-in-dispute at all. Moreover, by virtue of taking a new electricity connection in the petitioner's name, the petitioner is attempting to create an independent right in the property, which the petitioner otherwise does not have.

Learned counsel appearing for the State-respondent files a police report and indicates that the police are agreeable, subject to any direction passed by this court, to comply with such direction, upon costs being paid by the petitioner.

The police report filed today be kept on record.

Upon hearing learned counsel for the parties, it is evident that, under Section 43 of the Electricity Act, 2003, the petitioner has, as an occupier of the premises, a right to take electricity connection in his

own name, irrespective of the legality of such possession.

As such, WPA No. 4763 of 2022 is disposed of by directing the CESC Limited to give the new electricity connection to the petitioner within a fortnight from date, subject to compliance of all formalities by the petitioner in that regard, as per the application of the petitioner, at the premises-in-question.

In the event the CESC personnel face any obstruction in giving such connection, it will be open to the CESC personnel to approach the Inspector-in-Charge, Garden Reach Police Station (respondent no.3 herein) for adequate police assistance and, if so approached, the respondent no.3 shall grant such police protection to the CSEC personnel, for the limited purpose of giving the electricity connection to the petitioner at the existing meter board position, at the cost of the petitioner.

It is made clear that giving such new electricity connection in the name of the petitioner, by itself, shall not create any special right or equity in favour of the petitioner and that the respective rights and contentions of the petitioner and the private respondent in respect of the premises-in-question have not been gone into by this court on merits.

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.)