

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 5480 of 2022

Tapan Das

-vs.-

Calcutta Electric Supply
Corporation Limited & Ors.

Mr. B. Chakraborty,
Mr. Subrata Mukherji,
Mr. Srikumar Chakraborty
...for the petitioner

Mr. Amitava Chaudhuri,
Mr. N. Roy
...for the CESC Limited

Learned counsel for the petitioner contends that the petitioner's father, that is, the respondent no.5 transferred his property, which comprises of the building where the petitioner has all along been in possession along with his father, to the respondent no.6. Upon such transfer, the name of the consumer in the electric meter at the premises was also transferred to that of the respondent no.6, the purchaser. Subsequently, apparently at the behest of the respondent no.6, the electricity supply to the said connection/meter has been discontinued.

It is submitted that the petitioner, being in settled occupation of the premises, applied for fresh electricity connection in his name. However, in order to assess the feasibility and the requisites for giving such a connection,

the CESC Limited sought to inspect the premises but were resisted by the respondent no.6, for which the petitioner and his family, also consisting of a minor child, are being deprived of electricity, which is a basic necessity of life.

Learned counsel appearing for the CESC Limited supports the contention of learned counsel for the petitioner insofar as the CESC personnel being resisted when they went to visit the existing meter board for the purpose of carrying out inspection as to feasibility of giving a new connection to the petitioner at the said location is concerned.

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

Although the envelopes sent to the private respondent no.6 have returned with the endorsement "insufficient address", learned counsel for the petitioner hands over a photocopy of the registered transfer deed in favour of the respondent no.6, which indicates that the address of the respondent no.6, is the address at which a copy of the writ petition was sent.

It appears that the petitioner has made a *bona fide* attempt to serve on the respondent no.6 at the last known address of the latter. However, since the said envelopes, sent to the address of the respondent no.6, have returned with the endorsement "insufficient address", it is apparent that the respondent no.6 is trying to avoid service.

In such view of the matter, the writ petition is taken up for hearing *ex parte* in the absence of the private respondent no.6.

Upon hearing learned counsel for the petitioner and the CESC Limited, it appears that the CESC Limited does not have any objection to give electricity connection to the petitioner at the existing meter board position, of course, subject to compliance of all formalities by the petitioner and subject to feasibility of giving such connection.

Hence, WPA No.5480 of 2022 is disposed of by directing the CESC Limited to hold an inspection at the premises-in-question for the purpose of assessing the feasibility and requisites for giving a new electricity connection in the name of the petitioner at the existing meter board position and thereafter, subject to compliance of all formalities by the petitioner, if so feasible, the CESC Limited shall give such connection to the petitioner as expeditiously as possible.

It will be open to the CESC personnel, if resisted at the time of carrying out such inspection and/or giving such connection, to approach the respondent no.4, the Officer-in-Charge of the Dum Dum Police Station, for adequate police assistance.

The respondent no.4, if so approached, shall immediately give such assistance to the CESC personnel at the cost of the petitioner for the purpose of CESC personnel holding the inspection, as indicated above, as well as for

giving electricity connection to the petitioner subject to compliance of all formalities by the petitioner.

The parties shall act on the written communication of the learned Advocate appearing for the petitioner, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof.

The affidavit-of-service, the envelopes filed by the learned Advocate for the petitioner as well as a copy of the title deed referred to above, all handed over by the learned Advocate for the petitioner, be kept on record.

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.)