

AD. 62.
April 26, 2022.
MNS.

WPA No. 5736 of 2022

Baby Biswas
Vs.
The Calcutta Electricity Supply
Corporation (CESC) Limited and others

Mr. Sandip Ghosh

...for the petitioner.

Mr. Srijan Nayak

...for the CESC Limited.

Ms. Sipra Majumdar,
Ms. Prativa Ghatak

...for the State.

Mr. Uddipan Banerjee

...for the respondent nos. 5 and 6.

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

Liberty is granted to the petitioner, on the
prayer made by learned counsel for the petitioner to
file supplementary affidavit, which is filed in Court
today and the same be kept on record.

The contention of the petitioner is that, despite
the petitioner having complied with all formalities, the
landlords of the petitioner in respect of the premises-
in-question are raising objection to the petitioner
taking electric connection in her name.

Learned counsel appearing for the CESC
Limited submits that, in principle, the CESC Limited

has no objection to give such connection. However, at the juncture when the CESC Limited personnel went to install the meter at the existing meter board position, the private respondents, that is the landlords, have raised an objection in writing in giving separate meter to the petitioner.

Learned counsel appearing for the private respondents/landlords submits that in the event an additional connection is to be given to the petitioner, who is admittedly one of the tenants, the structure of the existing electric supply arrangement at the premises has to be substantially changed and for that purpose additional constructions might have to be made through the rooms of other two tenants of the private respondents, who are raising objections thereto.

However, since the petitioner, as an admitted tenant, has a right to get electric connection at the premises as per Section 43 of the Electricity Act, 2003 (2003 Act), the hindrance put forward by the private respondents are not sufficient to prevent the petitioner from getting such connection. Since the CESC Limited does not find any technical defect till now in giving such connection, it does not lie in the mouth of the landlords to object to the electricity connection being given at the existing meter board position in the name of the petitioner, who is a tenant in respect of the premises. Moreover, the tenant, in

whose name the private respondents/landlords are seeking to object, have not come forward with any objection themselves. That apart, no details regarding such tenants have been mentioned in any of the communications made by the landlords to the CESC Limited.

Hence, WPA No. 5736 of 2022 is allowed, thereby directing the CESC Limited to give electricity connection to the petitioner at the existing meter board position, subject to compliance of all formalities by the petitioner within a fortnight from date.

The CESC Limited shall be at liberty to approach the Inspector-in-Charge of the Bally Police Station, that is, the respondent no. 3, for adequate police assistance in the event any objection is raised from any corner, including the respondent nos. 5 and 6, to such electric connection being given to the petitioner at the existing meter board position.

If so approached, the respondent no. 3 shall act upon the written communication of the learned advocates for the parties, accompanied by server copies of this order, without insisting upon prior production of a certified copy thereof for the purpose of granting such police protection at the costs of the petitioner.

It is made clear that the respective civil rights and contentions of the private parties have not been entered into on merits by this Court.

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.)