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28.04.2022
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WPA No.5805 of 2022

Rintu Bhattacharya
Vs.
CESC Limited and others

Mr. Rajdeep Bhattacharya
.... for the petitioner

Mr. Somnath Bose
.... for the CESC Limited

Mr. Sushanta Mukherjee,
Mr. Amrita Lal Chatterjee
.... for the State

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

Despite attempt to serve, the envelope sent to
the private respondent has returned with the
endorsement 'door closed', although the petitioner
sent the copy at the last known address of the private
respondent, who is the owner/landlord.

Learned counsel for the petitioner contends that
despite the petitioner, who is a tenant, having enjoyed
such tenancy since long back, subsequently after
development of the property, the private respondent is
objecting to the petitioner taking electricity connection
in his name.

It is submitted that the petitioner has duly applied and complied with the due formalities but the CESC Limited is not giving such connection to the petitioner primarily due to the objection of the private respondent no.4.

Learned counsel appearing for the State files a report authored by the Officer-in-Charge, Kalighat Police Station, Kolkata which indicates that there has not been any incident in the property as yet to grant police assistance.

Learned counsel appearing for the CESC Limited hands over a copy of an objection letter given by the private respondent no.4 primarily on the ground that the writ petitioner has allegedly not paid the service charges due to the private respondent no.4.

Be that as it may, the internal dispute between the landlord/owner (private respondent no.4) and the tenant (the petitioner) cannot be a valid ground of objection to the petitioner, who is in settled occupation of the premises, exercising the right to enjoy electricity. Within the contemplation of Section 43 of the Electricity Act, 2003, a person in settled occupation of a property is entitled to get such connection. In fact, the dispute raised by the private respondent no.4 is not germane for the purpose of

giving an independent electricity connection to the petitioner, who is undisputedly residing at the property.

Accordingly, WPA No.5805 of 2022 is allowed, thereby directing the CESC Limited, subject to compliance of all necessary formalities by the petitioner, to give a new electricity connection to the petitioner as per the petitioner's application for such purpose as expeditiously as possible, preferably within a fortnight from date.

In the event any obstruction is raised to the CESC personnel giving such connection or having access to the existing meter board position, it will be open to the CESC personnel to approach the respondent no.3, that is, the Officer-in-Charge, Kalighat Police Station for adequate police assistance.

If so approached, the respondent no.3 shall act on the server copy of this order and grant such assistance at the cost of the petitioner.

It is further clarified that the police, in order to give access to the CESC personnel to the existing meter board position for the limited purpose of installing the new connection in the name of the petitioner, shall be free to break open any padlock or hindrance, if put up on the route of such access.

The police report and the copy of the objection submitted by the respondent no.4 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.)