

AD. 18.
May 5, 2022.
MNS.

WPA No. 6038 of 2022

Arun Sharma
Vs.
The CESC Limited and others

Mr. A. K. Das,
Mr. N. G. Mukherjee,
Ms. Anindita Banerjee

...for the petitioner.

Mr. Rajiv Lall

...for the CESC Limited.

Mr. Aswini Kumar Bera

...for the State.

Mr. Ram Krishna Saha

...for the private respondents.

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

Learned counsel for the petitioner contends
that, despite the petitioner being a tenant, the
landlords / private respondent nos. 5 and 6 have
been obstructing in the CESC Limited people from
taking any inspection for the purpose of giving new
electricity meter.

Learned counsel appearing for the private
respondents contends that although the petitioner
has been a tenant under the private respondents, the
present installation of electricity meter has been
sought in respect of a new structure, which has been

subsequently constructed by the private respondents and to which the petitioner/tenant has no right whatsoever, tenancy or otherwise.

At this juncture, learned counsel appearing for the CESC Limited reiterates that due to the obstruction offered by the private respondents and their men and agents, the CESC Limited could not take the inspection for the purpose of ascertaining the plausibility of giving the new electricity meter in the name of the petitioner.

From the arguments of learned counsel for the petitioner, it is evident that initial electricity connection standing in the name of the petitioner's father, namely one Chote Lal Sharma (since deceased), who was the original tenant, was subsequently disconnected at the instance of the landlords on the ground that the same was continued in the name of a deceased person. In any event, since the said original tenant has met his demise, there is no question of continuing the electricity line in the name of a deceased person.

That apart, no fresh or special right or equity shall be created in favour of the petitioner, who is in settled possession as a tenant of the property. Hence, there cannot arise any question of anyone having any objection to the petitioner taking a new electricity connection in his name.

Learned counsel appearing for the State-respondent files a report authored by the Officer-in-Charge of the Haridevpur Police Station dated April 18, 2022 in Court today, which is kept on record.

Learned counsel for the private respondents has handed up a disconnection notice and bill for March, 2022 in respect of an electric meter in the name of "MAA APARTMENT".

However, *ipso facto*, such bill does not indicate anything which is germane to the facts as narrated above.

Be that as it may, in view of the discussion above, WPA No. 6038 of 2022 is allowed, thereby directing the CESC Limited to hold an inspection at the premises-in-question to ascertain the plausibility of giving a new electric connection to the petitioner at the existing meter board position.

In the event such connection is found to be plausible and subject to compliance of all formalities by the petitioner, the CESC Limited shall, within a week from compliance of formalities by the petitioner, give such new connection to the petitioner in the petitioner's own name.

In the event any obstruction is raised by the private respondents and their men and agents, the CESC Limited will be at liberty to approach the respondent no. 4, that is, the Officer-in-Charge of the

Haridevpur Police Station, for grant of police assistance in that regard.

If so approached, the respondent no. 4 shall give such police assistance immediately to the CESC Limited personnel, at the cost of the petitioner, both for the purpose of holding such inspection and, subject to compliance of all formalities, in giving such connection subsequently to the petitioner.

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.)