

15th November,
2022
(AK)
01

W.P.A 8548 of 2021
IA No: CAN 1 of 2022

Sandip Chowdhury
Vs.
The CESC Limited and others

Mr. Annupam Kr. Bhattacharya
Mr. Dipankar Mullick
Mr. Mritunjay Saha
...for the petitioner.

Mr. Debanjan Mukherjee
...for the CESC Limited.

Despite service, none appears for the private respondent, although the CESC Limited and the petitioner are represented through counsel.

The petitioner is in occupation of the property-in-question. A civil suit is pending at the behest of the private respondent no.6 for eviction of the petitioner on the allegation that the petitioner is a licensee.

As such, it is evident that the occupation of the petitioner in respect of the property is admitted by the private respondent no.6.

However, due to obstruction created by the private respondent, the CESC Limited is not being able to give electricity supply to the petitioner by a loop meter, which, according to the CESC Limited, is otherwise feasible.

In view of Section 43 of the Electricity Act, 2003, it is the right of an occupier, irrespective of the status of

such occupation, to get independent electricity connection at the premises.

Hence, WPA 8548 of 2021 is allowed, thereby directing the CESC Limited to give a new electricity connection, through loop meter or as otherwise feasible, to the petitioner upon the petitioner complying with all formalities, including the installation of a main switch at the location as asked for by the CESC Limited, preferably within a fortnight from the compliance of such formalities by the petitioner.

If the CESC personnel face any obstruction from the respondent no.6 in doing so, it will be open to the CESC personnel to approach the respondent no.5, the Officer-in-Charge of the Burtolla Police Station, for adequate police assistance in that regard.

If so approached, the respondent no.5 shall act on the communication of the learned Advocates, accompanied by a server copy of this order, without insisting upon prior production of a certified copy, to grant such assistance to the CESC personnel at the cost of the petitioner.

In the event any padlock or other hindrance is put up on the way of access of the CESC personnel to the existing meter board position at the premises, it will be open to the police personnel to break open such padlock or remove such hindrance temporarily for the purpose of giving access to the CESC personnel for giving a new electricity connection to the petitioner.

CAN 1 of 2022 is, accordingly, disposed of as well.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)