

AD. 21.
March 2, 2022.
MNS.

(Through Video Conference)

WPA No. 9084 of 2021

Nilambar Mukherjee and another
Vs.
The State of West Bengal and others

Mr. Sourav Sengupta

...for the petitioners.

Mr. Jahar Datta,
Mr. Bipin Ghosh

...for the State.

Dr. Madhusudan Saha Roy

...for the CESC Limited.

Mr. Ranjan Saha

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

Learned counsel for the private respondent nos. 5 and 6, upon taking instructions from his clients, intimates the court that the area where the existing meter board is located is a common area between the petitioners and the private respondents. However, it is claimed by the private respondents that the said area is in exclusive possession of the private respondents. Learned counsel appearing for the private respondents adds, also on instruction, that the private respondents are ready and willing to co-operate with the CESC Limited personnel whenever they are required to inspect and/or visit the

existing meter board position, for the purpose of giving new supply to the petitioners or otherwise.

Learned counsel appearing for the CESC Limited contends that there is no scope of giving any new service connection to the petitioners, since a new connection can be given to the petitioners from the existing meter board position at the premises. However, it is further submitted that the electric supply of the petitioners cannot be restored due to resistance being put up by the private respondent and their men and agents.

Learned counsel for the petitioners argues that, since it is admitted by the private respondents that the area at which the existing meter board position is located, is in a common portion, the private respondents acted unlawfully in disconnecting the petitioners' electric connection.

Such illegal disconnection, as alleged by the petitioners, is controverted by learned counsel for the private respondents.

Be that as it may, since the CESC Limited did not disconnect the electric supply of the petitioners, it is for the petitioners to ensure that the CESC Limited personnel can work at the existing meter board to take appropriate steps for restoring the electric supply of the petitioners.

Since learned counsel for the private respondents submits that the private respondents

would not create any hindrance to such connection being given, WPA No. 9084 of 2021 is disposed of by directing the CESC Limited to restore the electricity connection of the petitioners, if necessary, upon undertaking appropriate repairs which are within the authority of the CESC Limited to carry out, within a fortnight from date. However, in the event any obstruction is put up by the private respondent nos. 5 and 6 and their men and agents, the CESC Limited personnel will be at liberty to approach the local police station for adequate police assistance in that regard at the cost of the petitioners.

If so approached, the Officer-in-Charge/Inspector-in-Charge (available in the local Police Station) shall give adequate police assistance, at the petitioner's cost for restoring the electric connection from the existing meter board position.

If, for such purpose, the CESC Limited personnel are hindered by any padlock or other obstruction in getting access to the existing meter board position, it will be open to the police personnel to remove such hindrance and/or to break open the padlock for the limited purpose of allowing the CESC Limited personnel to carry out the necessary repairs in respect of the petitioners' electric connection and for restoring such connection of the petitioners.

The parties as well as the local police authorities shall act on the written communication of

the learned advocates appearing for the parties, coupled with a server copy of this order, without insisting upon prior production of a certified copy thereof.

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.)