

D/L. 16.
December 23, 2022.
MNS.

WPA No. 9819 of 2021

Smita Pandey
Vs.
The CESC Limited and others

Mr. Animesh Das

... for the petitioner.

Mr. Debanjan Mukherjee

...for the CESC Limited.

Mr. Kaushik Dey,
Mr. Debnath Mahata

...for the private respondent
nos. 4 and 5.

Learned counsel for the petitioner submits that the petitioner's application for new electricity meter has been processed by the CESC Limited, but the connection cannot be given due to the objection raised by the private respondent nos. 4 and 5.

Learned counsel for the private respondents contends that the said respondents have two-fold objections to the electricity connection being given to the petitioner. First, it is submitted that the petitioner does not have any right, title or interest in the property. Secondly, it

is argued when the private respondents approached the CESC Limited authorities to get an electricity connection, the same was refused on the ground that a huge amount was due from the predecessor-in-interest of the petitioner with regard to a previous defaulting meter, which bar should also apply to the petitioner.

Learned counsel for the CESC Limited files a written instruction, which is a printout of an e-mail, indicating that, as commercial clearance has been obtained, there are no outstanding dues with regard to such default allegedly committed by the predecessor-in-interest of the petitioner. As such, no impediment remains any longer.

Hence, the objection of the private respondents on such ground cannot be accepted since, as per the stand of the CESC Limited itself, there is no impediment now, on the ground of clearance of outstanding dues, for the respondent nos. 4 and 5 to take electricity connection at the premises, subject to compliance of other due formalities.

As far as the other objection is concerned, it is well-settled that the mere giving of electricity connection by the Distribution Licensee does not

create any special right or equity in favour of the consumer.

Hence, irrespective of the right, title and interest of the parties, which can only be canvassed before a competent civil court, the petitioner has a right under Section 43 of the Electricity Act, 2003 (2003 Act), read in conjunction with Article 21 of the Constitution of India, to get an independent electricity connection in her name at the premises as the CESC Limited is *prima facie* satisfied as regards settled occupation of the petitioner.

Accordingly, WPA No. 9819 of 2021 is disposed of in the light of the above observations by directing the CESC Limited to give the electricity connection from the existing meter board position upon compliance of due formalities as expeditiously as possible, preferably within a fortnight from date and/or from the compliance of all formalities, whichever is later.

In the event any objection is raised by the respondent nos. 4 and 5 and/or their men and agents in giving of such connection by the CESC Limited personnel to the petitioner, it will be open to the personnel of the CESC Limited to approach respondent no. 3, the Officer-in-Charge of the

Shibpur Police Station, for police assistance in that regard.

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

It is further clarified that by virtue of getting the electricity connection, the petitioner shall not be entitled to any special equity or right, if not otherwise entitled to in law.

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.)