

7th June,
2022
(AK)
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W.P.A 8979 of 2022

Dipak Sasmal
Vs.
The Calcutta Electric Supply Corporation Limited and
others

Mr. Wasim Reza
...for the petitioner.

Ms. Sreemoyee Mitra
...for the CESC Limited.

Mr. Swapan Kr. Pal
...for the State.

Mr. I.A. Lodhi
...for the respondent no.5.

Learned counsel for the petitioner contends that due to the resistance created by the landlord/private respondent no.5, the CESC Limited is not being able to give electricity connection to the petitioner, despite the petitioner having complied with the initial formalities for getting such connection.

Learned counsel for the CESC Limited contends that due to resistance put up at the site, the CESC personnel could not even hold an inspection for the purpose of ascertaining the feasibility of giving a new connection to the petitioner.

Learned counsel appearing for the respondent no.5 denies that the petitioner is a tenant under the respondent no.5 and contends that the petitioner is in

occupation merely of a common space at the building-in-question and is not 'in possession' as such.

However, it transpires from the contention of both the petitioner and the private respondent no.5 that the petitioner is at least in occupation of a portion of the property, be it a common space or a room.

It is well-settled that a person in settled occupation of a property is entitled to electricity under Section 43 of the Electricity Act, 2003.

Hence, there is no justification for the private respondent no.5 to resist such connection being given to the petitioner.

Accordingly, WPA 8979 of 2022 is allowed, thereby directing the CESC Limited to hold an inspection to ascertain the feasibility of giving electricity connection to the petitioner at the existing meter board position and thereafter, if so feasible, to give such electricity connection to the petitioner, subject to compliance of all formalities by the petitioner, within a week thereafter.

On both instances, that is, during inspection and giving electricity connection (if feasible), if the CESC personnel face any obstruction from the respondent no.5 and/or his men and agents, it will be open to the said personnel to approach the respondent no.3, that is, the Officer-in-Charge, Shibpur Police Station for adequate police assistance in that regard.

If so approached, respondent no.3 shall grant such assistance at the cost of the petitioner and shall act on the communication of the learned advocate for the petitioner, accompanied by a server copy of this order, without insisting upon prior production of a certified copy, for the purpose of compliance.

It is made clear that the respective rights and contentions of the petitioner and the private respondent no.5 in respect of the property-in-dispute have not been entered into by this court while making the above observations and it will be open to the parties to urge their respective contentions in that regard before the appropriate forum.

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.)