

AD. 11.
June 22, 2022.
MNS.

WPA No. 10616 of 2022

Rabindra Nath Das and another
Vs.
Calcutta Electric Supply Corporation and others

Mr. Sanjoy Mukherjee

...for the petitioners.

Mr. Rajiv Lal

...for the CESC Limited.

Ms. Munmun Tewary

...for the respondent no. 5.

Learned counsel for the petitioners contends that although the petitioners are tenants under respondent no. 5, the CESC Limited is not being able to carry out any inspection for the purpose of ascertaining the feasibility of giving a new electricity connection to the petitioners as per the petitioners' application for such purpose, due to resistance put up by the respondent no. 5.

Learned counsel appearing for the CESC Limited corroborates such contention and submits that objection has been raised by respondent no. 5 and her men and agents and due to their resistance, the personnel of the CESC Limited could not carry out any inspection for ascertaining the feasibility of giving a new electricity connection to the petitioner. It is further submitted that in the event the CESC

Limited is able to complete such inspection and satisfied that there is no impediment otherwise to provide a new electricity connection to the petitioners, the CESC Limited is agreeable to do so, subject to compliance of due formalities by the petitioners.

Learned counsel for the respondent no. 5 contends that the respondent no. 5 resides at the property-in-question along with two other ladies and are in a helpless condition due to the disturbance being created by the petitioners. It is further submitted that the respondent no. 5 has, in fact, already issued quit notice to the petitioners indicating that unless the petitioners vacate the premises from the date of the notice, that is, from January 4, 2018, the petitioners would be treated as trespassers on and from March 21, 2018.

It is seen from the annexure to the writ petition that several such letters have been issued on behalf of the respondent no. 5 to the petitioners.

It is further contended that the petitioners, in the garb of electricity, intend to disturb and harass the respondent no. 5 and the other two ladies who are residing with her. As such, equity is against the petitioners.

It transpires from the submission of the parties that the respondent no. 5 has not yet initiated any

eviction proceeding and/or obtained any order from the civil court for eviction of the petitioners.

That apart, irrespective of the stand of the respondent no. 5, the petitioners, as tenants and settled occupants of the property, as admitted by the respondent no. 5, are entitled under Section 43 of the Electricity Act, 2003 to get independent electricity connection in their own name.

Hence, WPA No. 10616 of 2022 is allowed, thereby directing the CESC Limited to hold an inspection at the premises-in-question, for the purpose of ascertaining whether it is otherwise feasible to give connection as per the application of the petitioners, within a week from date upon prior notice to the petitioners and the respondent no. 5.

Thereafter, in the event, the CESC Limited is satisfied that it is so feasible, the CESC Limited, subject to compliance of all subsequent formalities by the petitioners, shall give such connection to the petitioners, preferably within a fortnight from completion of all formalities at the petitioners' end.

In the event any resistance or obstruction is created by the respondent no. 5 and/or her men and agents, it will be open to the CESC Limited personnel to approach the respondent no. 4, that is, the Officer-in-Charge of Parnasree Police Station to provide adequate police assistance in such regard.

If so approached, the respondent no. 4 shall, at the cost of the petitioners, provide such assistance for the limited purpose for enabling the CESC Limited personnel to hold the inspection as indicated above and thereafter to give a new electricity connection to the petitioners. For the said purpose, it will be open to the police authorities to remove any hindrance and/or resistance in the way of access of the CESC Limited personnel to the existing meter board position for the above purpose

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.)