

7th July,
2022
(AK)
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W.P.A 12718 of 2022

Rintu Samaddar
Vs.
CESC Limited and others

Mr. Tanmoy Sett
Mr. Atish Ghosh
Ms. Sumana Biswas

...for the petitioner.

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

Mr. Uttam Kumar Mandal
Ms. Maitree Roy

...for the respondent no.3.

Learned counsel for the petitioner submits that despite the petitioner having applied for electricity connection in his own name for operating in his shop room and the CESC Limited having agreed in principle to give such commercial connection, the CESC personnel were obstructed by respondent no. 3 and his men and agents when they went for inspection for such purpose at the shop room of the petitioner.

Learned counsel appearing for the CESC Limited corroborates such contention.

Learned counsel appearing for the private respondent no.3 submits that the respondent no.3 is the owner of the rest of the premises apart from the portion occupied by the shop room of the petitioner.

It is contended, on instruction, that the respondent no.3 does not have any objection to the petitioner taking individual electricity connection from his own occupied area of the premises.

However, at this, learned counsel appearing for the CESC Limited contends that the electricity connection, if given, has to be given from the existing meter board position, otherwise a new connection at a different position would not be feasible technically.

Since the petitioner, admittedly, is in possession of his shop room, the respondent no.3 cannot prevent the petitioner from asserting his right under Section 43 of the Electricity Act 2003 for the purpose of getting independent electricity connection in the petitioner's own name.

Hence, WPA 12718 of 2022 is disposed of by directing the CESC Limited to hold an inspection in respect of the shop room of the petitioner and the adjacent portions of the premises, for the purpose of ascertaining the feasibility of giving an electricity connection to the petitioner from the existing meter board position and thereafter, subject to compliance of all formalities by the petitioner, to give a new connection to the petitioner at the existing meter board position at the premises.

In the event any resistance is offered by respondent no.3 and/or his men and agents at the time of the CESC personnel holding such inspection or giving such connection, it will be open to the CESC personnel to approach respondent no.4, the Officer-in-Charge of the Purba Jadabpur Police Station, for adequate police assistance.

If so approached, respondent no.4 shall grant such assistance at the cost of the petitioner. The police personnel shall be at liberty to remove any padlock and/or other hindrance, if put up on the access of the CESC Limited personnel to the existing meter board position, for such purposes, to break open such padlock and give access to the CESC personnel.

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.)