

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 14179 of 2021

(Via video conference)

**M/s. Sankar Electric And
Electronics, represented by
Tapas Das**

-vs.-

**The Calcutta Electric Supply
Corporation Limited & Ors.**

Ms. Sudeshna Basu Thakur
...for the petitioner

Mr. Debanjan Mukherjee
...for CESC Limited

Mr. Asumdipt Santra
...for the private respondents

Learned counsel appearing for the petitioner argues that, despite the petitioner having complied with all formalities in respect of getting new electric connection to a shop room run by the petitioner, the CESC Limited could not give such connection till date due to resistance put up by the private respondents.

Learned counsel appearing for the CESC Limited submits that initially there were some discrepancies in the address of the petitioner in its application for electric connection. However subsequently, on August 18, 2021, the petitioner furnished the relevant Aadhaar Card and trade licence

to *prima facie* establish the possession of the petitioner, represented by its proprietor Tapas Das.

Learned counsel appearing for the private respondents disputes the contention that the petitioner is in possession and/or is the co-owner of the premises where electric connection has been sought. Learned counsel further argues that the grandmother of the petitioner left a Will, which has not been probated as yet. As such, no effect can be given to such Will.

It is further contended by learned counsel for the private respondents, in the alternative, that in the event the petitioner was actually in possession of the shop room run from the premises-in-question, it must have had previous electric connection and would not apply for a fresh connection now. Relying on such logic, learned counsel for the private respondents disputes the contention of the petitioner as regards being in possession of the premises.

Upon perusing the documents, it is evident that the purported trade licence of the petitioner at the premises-in-dispute has been annexed at page 13 of the writ petition (Annexure P-2). That apart, the CESC Limited takes a specific stand that the petitioner proved its *prima facie* possession by production of Aadhaar Card and trade licence in respect of the said premises. As such, there cannot be any hindrance to the CESC Limited giving electric connection, as sought by the

petitioner. The logic extended lastly on behalf of the private respondents does not hold its ground, since it cannot be assumed that the petitioner had electric connection merely because it was in possession of the premises.

Be that as it may, the petitioner has a right, subject to compliance with all formalities, under Section 43 of the Electricity Act, 2003, to get electric connection to the premises. Since the CESC Limited itself is satisfied on such score, there cannot be any hindrance from any quarter to such connection being given.

Accordingly, W.P.A. No. 14179 of 2021 is allowed, thereby directing the CESC Limited to give a new electric connection to the petitioner as per the application of the petitioner within a week from date, subject to compliance of all formalities by the petitioner.

In the event any obstruction is put up by the private respondents at the time when the CESC Limited personnel go to the premises to give such connection, it will be open to the CESC personnel to approach the local police station for adequate assistance. If so approached, the Officer-in-Charge of the local police station shall immediately give such police help for the purpose of assisting the CESC personnel for giving such connection, at the cost of the petitioner.

In the event any padlock is affixed on the entrance to the proposed meter board position, it will be

open to the police personnel to remove such padlock for the limited purpose of enabling the CESC personnel to give such connection.

All parties shall act on the server copies of this order, without insisting upon prior production of a certified copy thereof.

It is made clear that such connection, if given, shall not create any special equity, right and/or interest in favour of the petitioner, nor *ipso facto* be deemed to prove the possession of the petitioner in respect of the said premises conclusively. If such questions are agitated before any other competent court of law, it will be open to the said court to decide the same in accordance with law on its own merits.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)