

AD-15
Ct No.09
06.09.2022
TN

WPA No. 15672 of 2022

Sushma Jaiswal
Vs.
The CESC Limited and others

Mr. Tarique Quasimuddin,
Mr. Zainab Tahur,
Ms. Meena Shabnam

.... for the petitioner

Mr. Debanjan Mukherji

....for the CESC Limited

Mr. Kapil Guha

.... for the State

Learned counsel for the petitioner contends that due to the resistance put up by the private respondents/landlords, new electricity connection is not being given to the petitioner by the CESC Limited.

It is submitted that despite due service, the private respondents are not appearing. The affidavit-of-service filed in court today be kept on record.

In view of the petitioner being in settled occupation of the premises, particularly in view of the petitioner having obtained an order of injunction from the civil court with regard to the said property to protect the petitioner's possession, the petitioner has a right under Section 43 of the Electricity Act, 2003 to get an independent electricity connection irrespective of the objection raised by the landlords.

Hence, WPA No. 15672 of 2022 is disposed of by directing the CESC Limited to give electricity connection to the petitioner at the existing meter board position at the earliest, preferably within a fortnight from date.

If any obstruction is raised to such connection being given by the private respondent nos. 5 and 6 and/or their men and agents, the CESC personnel will be at liberty to approach the respondent no.4, being the Officer-in-Charge, Girish Park Police Station for adequate police assistance. If so approached, the respondent no.4 shall give such police assistance to the CESC personnel at the cost of the petitioner for the limited purpose of giving the electricity connection to the petitioner.

In the event any hindrance or padlock is put up preventing the CESC personnel in getting access to the existing meter board location, it will be open to the police personnel to break open such padlock or remove such hindrance for the limited purpose as indicated above.

The report filed by learned counsel for the State be kept on record.

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.)