

AD. 25.
February 21, 2022.
MNS.

(Through Video Conference)

WPA No. 16625 of 2021

Anup Kumar Shaw
Vs.
Calcutta Electricity Supply
Corporation and others

Mr. Nikhilesh Mittal,
Ms. Barnali Dutta

...for the petitioner.

Mr. Rajiv Lall

...for the CESC Limited.

Mr. Bhaskar Nandi

...for the private respondent.

Learned counsel for the petitioner submits that the petitioner is a joint tenant in respect of the premises-in-question with the private respondent. However, due to resistance put up by the private respondent, the Calcutta Electric Supply Corporation Limited (in short 'the CESC Limited') is not being able to give electric connection to the petitioner's premises.

Learned counsel appearing for the private respondent submits, in his usual fairness, that the private respondent, that is, the respondent no. 3, has no objection otherwise to the petitioner taking an electric connection from the existing meter board position in the petitioner's name. However, the

private respondent alleges that the petitioner has been obstructing the usage of water from the underground tank situated at the portion of the petitioner.

Learned counsel appearing for the CESC Limited submits that, subject to compliance of all formalities and having free access to the existing meter board position, the CESC Limited, in principle, has no objection to give new connection to the petitioner.

Upon hearing learned counsel for the parties, it is evident that the allegation made by the private respondent regarding purported non-access to underground water reservoir at the behest of the petitioner, the said contention cannot comprise a subject matter of the present writ petition and is beyond the ambit of the writ court's jurisdiction. However, since a civil suit is already pending between the private respondent and the petitioner, at the instance of the private respondent, it is open to the private respondent to approach the civil court for adequate relief, if necessary, in respect of such access to water supply. However, as far as the electricity connection goes, Section 43 of the Electricity Act, 2003 confers a right on the petitioner-tenant to have an independent electric connection.

As such, WPA 16625 of 2021 is disposed of by directing the CESC Limited to give electricity

connection to the existing meter board position at the premises-in-question in the name of the petitioner, subject to the petitioner complying with all due formalities.

The private respondent and his men and agents are restrained from creating any disturbance or hindrance to the CESC Limited personnel having access to the meter board position. The private respondent shall co-operate with the CESC Limited personnel in having such access to the existing meter board position for the limited purpose of conducting necessary inspection for giving a new electric connection to the petitioner.

It is made clear that the injunction order subsisting in a suit merely prevents the petitioner from disturbing the peaceful possession of the private respondent in respect of the premises-in-question. Such order is, in no manner, violated by giving electric supply to the petitioner at the existing meter board position.

It will be open, however, to the CESC Limited personnel to approach the local police authorities for adequate police assistance in the event the CESC Limited personnel face any obstruction from any quarter, including the private respondent and his men and agents, from giving electric connection at the existing meter board position in the name of the petitioner. If so approached, the Officer-in-

Charge/Inspector-in-Charge (as applicable) of the local police station shall give adequate police assistance to the CESC Limited personnel for the limited purpose of holding inspection and/or giving electric connection, if necessary, at the cost of the petitioner.

In the event there is any padlock or other hindrance to the access of the CESC Limited personnel to the existing meter board position for the above purpose, it will be open to the police authorities to break open the padlock for giving access to the CESC Limited personnel for the above purpose.

The parties as well as all concerned shall act on the written communication of the learned advocates for the parties, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof.

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.)