

S/L. 65.
August 17, 2022.
MNS.

WPA No. 17903 of 2022

Sri Samir Karmakar
Vs.
C.E.S.C. Limited and others

Mr. Budhaditya Mukherjee

... for the petitioner.

Mr. Somnath Bose

...for the CESC Limited.

Affidavit-of-service filed in Court today be
kept on record.

It transpires from the affidavit-of-service
that although the CESC Limited has been
properly served, the door of the landlady, that is,
the private respondent no. 3 was locked when the
envelope was sought to be served on her.

The grievance of the petitioner is that the
petitioner is a tenant in respect of the premises-
in-question under the respondent no. 3, who is
missing and could not be traced at least for the
last two years, even for the purpose of tendering
rent.

Accordingly, the petitioner has
commenced depositing the rent of the property

with the Rent Controller, challans with regard to which have been annexed to the writ petition.

Learned counsel for the petitioner submits that the petitioner wants an independent electricity connection at the premises, which has not yet been given by the CESC Limited.

Learned counsel for the CESC Limited submits that the CESC Limited attempted to give such connection on May 26, 2022, but access to the meter room was not available to the CESC Limited personnel in view of the same being under lock and key.

The petitioner, as an established occupant of the premises, is entitled under Section 43 of the Electricity Act, 2003 to get an independent electricity connection in his own name at the premises since the CESC Limited has no objection otherwise than in respect of hindrance to the access to the meter room. Hence, there cannot be any legal impediment to give such connection.

Thus, WPA No. 17903 of 2022 is disposed of by directing the CESC Limited to hold an inspection for the purpose of ascertaining the feasibility of giving the electricity connection to the petitioner at the existing meter board position

in the premises-in-question. Such inspection shall be held within a week from date upon prior notice to the petitioner.

Upon the CESC Limited being satisfied that all formalities have been complied with by the petitioner and as regards the feasibility of giving such connection independently in the name of the petitioner, the CESC Limited shall give the electricity connection to the petitioner from the existing meter board position within a week from compliance of all formalities.

In the event the CESC Limited personnel face any obstruction in opening the meter room, it will be open to the CESC Limited personnel to approach the local police station for adequate police assistance in that regard.

If so approached, the Officer-in-Charge/Inspector-in-Charge of the local Police Station in the area shall give such assistance to the CESC Limited personnel at the cost of the petitioner for the limited purpose of the CESC Limited personnel taking inspection of the meter room and for giving such electricity connection to the petitioner as per the above direction.

If necessary, the police personnel shall break open the padlock or any other hindrance to

the access of the CESC Limited personnel to the existing meter board position.

The parties as well as all concerned shall act on the written communication of the learned Advocate appearing for the petitioner, 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.)