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07.01.2022
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WPA No.19161 of 2021

Sushil Kumar Mishra
Vs.
The Calcutta Electricity Supply Corporation Ltd.
and others

(Via Video Conference)

Mr. Amit Baran Dash
.... for the petitioner

Mr. Debanjan Mukherjee
.... for the CESC Ltd.

Mr. Himadri Sikhar Chakraborty,
Ms. Debdooti Dutta
.... for the State

Ms. Somoshree Saha
.... for the respondent nos.5 and 6

Affidavit-of-opposition filed by the CESC Ltd.
and the reply filed by the petitioner to the affidavit-in-
opposition filed by the private respondents are kept on
record.

Learned counsel for the petitioner contends
that, due to resistance being put up by the private
respondents/landlords, the CESC Ltd. is being unable
to give electric supply to the petitioner's premises as

per the application for new connection made by the petitioner.

Learned counsel appearing for the private respondents submits that there is a subsisting order under Section 144(2) of the Code of Criminal Procedure restraining the petitioner from taking any electric connection illegally to the premises.

That apart, despite subsistence of an order permitting the petitioner to repair, passed long back, the petitioner has not yet effected any repair.

Learned counsel for the CESC Ltd. submits that the CESC raised an offer letter, which has spent its force due to expiry of 90 days thereafter. However, in principle, the CESC Ltd. has no objection to give connection, subject to compliance of all formalities by the petitioner, including bringing about the changes sought by the CESC Ltd. by way of certain installations.

It is evident from the offer letter issued by the CESC Ltd., as annexed to the affidavit-in-opposition of the CESC Ltd., that the CESC Ltd. clearly indicated the alterations and installations to be undertaken by the petitioner prior to the electric connection being given.

However, the petitioner contends that, due to resistance of the private respondents, the repair work

could not be completed. Although the private respondents may have justification in being apprehensive regarding the safety and security of the premises in the event electric connection is given at the dilapidated condition of the said premises, since the ground of non-completion of the repair by the petitioner, as ventilated in this court by the petitioner, is the resistance put up by the private respondents on that score, there is no conceivable reason to preclude the petitioner from enjoying the right that the petitioner otherwise enjoys under Section 43 of the Electricity Act, 2003.

In such view of the matter, WPA No.19161 of 2021 is disposed of by directing the petitioner to complete the repair works, including the works sought by the CESC Ltd. to enable the premises fit for giving electric connection. Immediately thereafter, the petitioner shall be at liberty to approach the CESC Ltd. with a fresh application for electric supply, in view of the previous offer letter of the CESC Ltd. having already expired.

If such an application is made and the CESC Ltd. is satisfied with the formalities having all been complied with by the petitioner, including the additions and alterations sought by the petitioner in its previous offer letter, the CESC Ltd. shall issue a

fresh offer letter to the petitioner, within a fortnight from such fresh application and/or from the compliance of all formalities by the petitioner, whichever is later. In the event any obstruction is raised by the private respondents in the CESC personnel giving such electric connection, if the petitioner is otherwise entitled in law to the same, it will be open to the CESC personnel to approach the respondent no.4, that is, the Officer-in-Charge, Pragati Maidan Police Station to give adequate police assistance in that regard.

If so approached, the respondent no.4 shall give such police help to the CESC personnel, for the purpose of necessary inspection and giving the connection, at the cost of the petitioner. If necessary, the police personnel will be at liberty to break open any padlock, if affixed on the route of the CESC personnel to the location of the proposed electric meter.

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.)