

AD-07
Ct No.09
07.09.2022
TN

WPA No. 19379 of 2022

Sukran Bibi @ Sk. Sakural Bibi
Vs.
CESC Limited and others

Mr. M.P. Gupta,
Mr. Ayan Mitra,
Ms. Antara Panja,
Mr. Supriya Mahajan

.... for the petitioner

Ms. Sreemoyee Mitra

.... for the CESC Limited

Mr. Sourav Koley

.... for the respondent nos.6,7,9 & 10

Learned counsel for the petitioner contends that a partition suit and an eviction suit are pending in respect of the property-in-question, to which the petitioner has sought an independent electricity connection in the name of the petitioner. It is submitted that the petitioner is a co-owner of the said property and is entitled to have an independent electricity connection.

Learned counsel for the Distribution Licensee submits that the CESC Limited could not hold any inspection for the purpose of checking out the feasibility of giving a connection to the petitioner due to resistance created by the private respondents.

Learned counsel appearing for the private respondents contends that in the eviction suit filed by the private respondents, it has been clearly stated that the previous premises no.7, Danesh Sk. Lane has now become premises no.7/2. However, the petitioner has sought electricity connection in respect of 7, which is not maintainable at present, since the petitioner is not residing in plot no.7 at all.

It transpires from copies of the complaints of the two suits, handed over for perusal of court by learned counsel for the parties, that the eviction suit has been filed by the private respondents against the petitioner on the allegation that the petitioner is a licensee, stating that the petitioner is residing at present in plot no.7/2, Danesh Sk. Lane, Howrah.

However, in the partition suit filed by the writ petitioner, the property has been described to be original municipal corporation holding no.7 “including 7/1, 7/2, 7/3”, Danesh Sk. Lane (old no.8).

Hence, at present there is a sub-judice dispute as regards the exact identity of the property and the ownership thereof.

Be that as it may, since a partition suit is pending between the parties at present and it is for the competent civil court before which the same is pending to decide the issue of title, there is no scope

of either the CESC Limited or this court entering into the merits of the questions canvassed in either of the two suits.

In fact, since the petitioner, as an occupant, is entitled to get electricity connection under Section 43 of the Electricity Act, 2003, there is no scope of depriving the petitioner from electricity on the pretext of pendency of a civil suit, particularly since the CESC Limited has no impediment otherwise than the obstruction raised by the private respondents to hold an inspection to ascertain the feasibility of giving the electricity connection in the name of the petitioner.

Accordingly, WPA No. 19379 of 2022 is disposed of by directing the CESC Limited to hold an inspection at the premises-in-question where the petitioner is residing at present to ascertain the feasibility of giving a new electricity connection at the said premises. Such inspection shall be carried out within a week from date.

In the event, upon such inspection, the CESC Limited arrives at the opinion that such connection can be given to the petitioner, the CESC Limited shall raise a quotation accordingly. Upon compliance of all formalities pursuant to the quotation and the law by the petitioner, the CESC Limited shall give such connection to the petitioner, preferably within a

fortnight from the date of compliance of formalities, from the existing meter board location at the premises.

In the event any obstruction is raised by the private respondents in the CESC personnel doing so, it will be open to the CESC officials to approach the respondent no.3, the Officer-in-Charge, A.J.C. Bose, B. Garden Police Station, Howrah for adequate police assistance in that regard. If so approached, the Officer-in-Charge shall act on the server copy of this order for granting adequate assistance to the CESC personnel for the limited purpose of holding the inspection as well as, if the CESC so decides, at the point of time when the CESC personnel give such connection to the petitioner, at the cost of the petitioner on both instances.

In the event any padlock or other hindrance is put up to the CESC personnel getting access to the existing meter board location for the above purposes, it will be open to the police officials to break open such padlock or remove any other hindrance for the purpose of enabling the CESC personnel to hold such inspection and subsequently to give such electricity connection to the petitioner.

It is made clear that this court has not pre-decided the actual feasibility of giving such

connection to the petitioner and it is for the CESC Limited to ascertain the same. In the event the CESC Limited arrives at the conclusion that the same is not feasible at the present moment, the CESC Limited shall intimate such decision to the petitioner at the earliest, citing the grounds as to why such connection is not feasible.

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.)