

23rd November,
2022
(AK)
01-02

W.P.A 21822 of 2022

Arshad Ali @ Md. Ashrat Ali
Vs.
CESC Limited and others

With

W.P.A 21827 of 2022

Md. Maqsood Ali @ Md. Maqsood @ Md. Masquod
Vs.
CESC Limited and others

Mr. Uddipan Banerjee
...for the petitioners.

Ms. Sumouli Sarkar
...for the CESC Limited.

Mr. Kapil Guha
...for the State
in WPA 21822 of 2022.

Mr. Swapan Kr. Pal
... for the State
in WPA 21827 of 2022.

Ms. Basumita Ghosh
... respondent no.4 (in person).

Learned counsel for the petitioners in both the matters contends that due to disconnection by the private respondent-landlord, the petitioners are no longer being able to enjoy electricity for the purpose of running their shops situated at the premises-in-question.

Such contention is disputed by the private respondent no.4, appearing in person, with the leave of court, who submits that the right, title and interest of the

petitioners, as claimed by the petitioners, in respect of the property-in -dispute, is in controversy and the private respondents do not admit the petitioners to be their tenants.

That apart, it is pointed out by the respondent no.4, appearing in person, that the existing meter board position is situated within the periphery of the portion of the premises under sole and exclusive occupation of the landlords.

As such, in the event any access is given to the petitioners by dint of installation of new electricity meters, that will create safety and privacy hazards for the private respondents.

Learned counsel for the CESC Limited submits that in principle the CESC Limited has no objection to give an electricity connection to the premises in the name of the tenant, subject to compliance of formalities.

Upon considering the submissions of the parties, it is evident that the petitioners, irrespective of the legality of their possession, are entitled as occupants to get independent electricity connections under the Electricity Act, 2003.

However, by virtue of getting such electricity, the petitioners cannot claim any new right or right of access, to be specific, to the location of the said meters, in an oblique manner, if they do not have such access otherwise.

Considering all the circumstances of the case, WPA 21822 of 2022 and WPA 21827 of 2022 are disposed of by directing the CESC Limited to give new electricity connection to each of the petitioners in their own names at the existing meter board position of the premises, subject to compliance of all formalities in that regard by the petitioners, as expeditiously as possible, preferably within three weeks from the date of compliance of formalities and/or this order, whichever is later.

It is, however, made clear that by virtue of giving such connection to the petitioners, no special right and/or equity is being created in favour of the petitioners and it will be open to all the private parties to canvass their respective contentions with regard to right, title and interest in the property before any appropriate forum.

It is further made clear that merely by having electricity connections in their own names, the petitioners shall not gain any new right of access to the location where the meters will be situated.

However, the CESC personnel will be at liberty, at reasonable times convenient to them, to have inspection of the meters and to have access to the same for the purpose of taking meter readings, repair, etc.

The respondent no.4 submits at this point of time, that due to the composition of her family, that is, herself and her aged mother, it would be appropriate if the access to the CESC personnel for the purpose of giving

such connections is had at a time when the petitioners shall be present in the property.

Hence, the CESC personnel will be at liberty to visit the premises for the purpose of giving the new electricity connections to the petitioners on any working Saturday, if possible upon prior notice to the parties.

Since the private respondent no.4 undertakes that she or her men and agents will not create any obstruction to the CESC personnel in giving such connection in the manner as indicated above, no further order of police help is passed.

The police report filed in court today be kept on record.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)