

2nd February,
2022
(AK)
19

W.P.A 23830 of 2013

Md. Harun
Vs.
CESC Limited and others

(Via Video Conference)

Mr. Uddipan Banerjee
...for the petitioner.

Mr. Om Narayan Rai
...for CESC Limited.

Despite service, none appears for the private respondents, although the petitioner and the CESC Limited are represented through counsel.

The limited grievance raised by the writ petitioner is that, since resistance is being offered by the respondent nos. 3 to 4, who are landlords of the petitioner in respect of the premises-in-question, the CESC Limited is unable to give new electric connection in the name of the petitioner at the premises.

It is submitted that the respondent nos.3 and 4, in their affidavit-in-opposition, admitted that the premises were partially in occupation of tenants but have merely stated that the writ petitioner did not assert any right of tenancy and/or did not tender any rent or occupation charges for the premises to the respondent no.3 or his wife.

However, by placing reliance on the photocopy of a rent challan annexed at page-26 of the writ petition, learned counsel for the petitioner argues that the petitioner has been asserting his tenancy right by depositing an amount equivalent to rent with the concerned Rent Controller, which is apparently reflected from the challan.

As such, being an established occupant at the premises, the petitioner is otherwise entitled to electric connection in the petitioner's name.

Upon hearing learned counsel for the petitioner and the CESC Limited, as well as perusing the report filed by the CESC Limited and considering the stand taken by the CESC Limited through its counsel, there is no impediment in giving a new electric connection to the petitioner, apart from the resistance being offered by the landlords-respondent nos.3 and 4.

In such view of the matter, WPA 23830 of 2013 is allowed, thereby directing the CESC Limited to give new electric connection to the petitioner pursuant to the petitioner's application, subject to compliance of all formalities by the petitioner, in the petitioner's own name, at the premises-in-question within three weeks from date and/or compliance of such formalities, whichever is later.

In the event the CESC personnel are resisted in so doing by the private respondents and/or their men and agents, it will be open to the CESC Limited officials to

approach the Inspector-in-Charge of the Beniapukur Police Station (respondent no.5) for adequate police assistance in that regard.

If any padlock and/or other hindrance is affixed on the way of access of the CESC personnel to the existing meter board position at the premises, it will be open to the police personnel to break open such padlock, also for the limited purpose of enabling the CESC Limited to give such connection.

If so approached, respondent no.5 shall act on a server copy of this order, accompanied by a communication by the learned advocate for the petitioner and/or the CESC Limited, and grant adequate police assistance for the limited purpose of enabling the CESC Limited to give such electric connection within the time specified above.

Such police help, if rendered, shall be at the cost of the writ petitioner.

It is, however, clarified that the contentions of the writ petitioner and the private respondents in respect of their respective right, title and interest in the property-in-question have not been gone into on merits by this court.

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.)