

AD-05
Ct No.09
30.11.2022
TN

WPA No. 24986 of 2022

Barun Halder
Vs.
The State of West Bengal and others

Mr. Arnab Sinha,
Mr. Dyutiman Banerjee,
Mr. Amartya Basu
.... for the petitioner

Mr. Bhaskar Chakraborty
.... for the State

Mr. Debanjan Mukherji
.... for the CESC Limited

Despite service, none appears for the private respondent.

The written instruction filed by learned counsel for the State be kept on record.

The grievance of the petitioner, who is a tenant in respect of the disputed property, is that despite the CESC Limited being agreeable in principle to give a new electricity connection to the petitioner in his name at the existing meter board position, due to obstruction created by the respondent no.6, the landlord, such connection is not being given to the petitioner.

Such stand is reiterated by learned counsel for the Distribution Licensee.

It transpires from the records that a title suit previously filed by the landlord, on the ground of pendency of which the new connection was previously not given to the petitioner, has since been dismissed on contest by the concerned civil court.

Such contention is borne out by the photocopy of the certified copy of the judgment and decree dated December 23, 2021 passed by the Civil Judge (Junior Division), First Court at Alipore, District: South 24 Parganas in Title Suit No. 418 of 2013, which is annexed to the pleadings.

In view of dismissal of the suit, the matter is no longer *sub judice*. Also, it is no longer *res integra* that a tenant, being an occupant of a premises, is entitled to get a separate electricity connection in his own name, unless there are technical bars thereto.

Since the CESC Limited does not raise any objection in the present case, WPA No. 24986 of 2022 is disposed of by directing the CESC Limited to give the new electricity connection to the petitioner, subject to compliance of all formalities by the petitioner, at the existing meter board position, preferably within two weeks from the date of compliance of all formalities or this order, whichever is later.

In the event the CESC personnel are resisted by the respondent no.6 and his men and agents at the time of giving such connection in any manner whatsoever, it will be open to the CESC personnel to approach the respondent no.5, the Officer-in-Charge, Kasba Police Station, who will provide adequate forces for lending assistance to the CESC personnel at the cost of the petitioner for giving the electricity connection to the petitioner at the existing meter board position at the premises.

In the event any padlock or other hindrance is put up by the respondent no.6 or any of his men and agents to block the CESC personnel from doing so, it will be open to the police personnel to break open such padlock and/or remove such hindrance in order to implement this order.

The police and all concerned shall act on the 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.)