

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 23143 of 2019

Howrah Iddgah Maidan
Masjid & Anr.

Vs.

CESC Limited & Ors.

Mr. Syed Nazmul Hossain,
Mr. Syed Nazibul Hossain
... for the petitioners

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

Mr. Jahar Dutta,
Mr. Bipin Ghosh
...for the State

Despite service, none appears for the private respondent no. 5.

Affidavit-of-service filed in Court today be kept on record.

The petitioners' grievance is that, despite having applied duly for a new electricity connection in the petitioners' name, the respondent no. 5 has been unlawfully resisting the CESC personnel from giving such connection.

Since the private respondent has chosen to abstain from appearing today, there is no alternative but to decide the writ petition *ex parte* in the absence of the private respondent.

The petitioners are entitled, as occupiers, to get electricity at the property-in-question in terms of Section 43 of the Electricity Act, 2003.

Hence, W.P.A. 23143 of 2019 is allowed, thereby directing the CESC Limited to give a new electricity connection to the petitioners at the existing meter board position of the address as given in the application for new electricity connection made by the petitioners.

In the event the CESC personnel face any resistance from any quarter, including the respondent no. 5 and/or his men and agents, while giving such connection, it will be open to the CESC personnel to approach the respondent no. 4, that is, the Inspector-in-Charge, Howrah Police Station, who will grant adequate police assistance in that regard, at the cost of the petitioners.

It is further clarified that in the event the police personnel find any hindrance, including a padlock, in the CESC personnel having access to the existing meter board position, the police personnel will be at liberty to break open the padlock or other resistance, if any, to the access of the CESC personnel, if so faced at the time of giving such new connection to the petitioners, subject to compliance of all legal formalities by the petitioners.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)