

M/L. 14.
December 5, 2022.
MNS.

WPA No. 26469 of 2022

Sunil Singh
Vs.
State of West Bengal and others

Mr. Mahendra Prasad Gupta,
Mr. Dilip Kumar Saila

... for the petitioner.

Mr. Swapan Kumar Pal

...for the State.

Mr. Somnath Bose

...for the CESC Limited.

Mr. Soujanya Bandopadhyay

...for the private respondent no. 4.

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

Despite service, all the respondents are
represented through counsel, except respondent
no. 5.

The grievance of the petitioner is that the
petitioner, who is a tenant in respect of the
property-in-question, sought an independent
electricity connection in his name, which could
not be given by the CESC Limited due to

obstruction raised by the private respondent nos. 4 and 5.

Learned counsel appearing for the CESC Limited corroborates such stand and submits that the CESC Limited is otherwise agreeable to give electricity connection to the petitioner subject to compliance of all formalities.

Learned counsel appearing for the respondent no. 4, on instruction, submits that the said respondent does not specifically object to the electricity connection being taken by the petitioner nor does it concede to any right of the petitioner to do so.

Since Section 43 of the Electricity Act, 2003 (2003 Act), read with Article 21 of the Constitution of India, vests a right on an occupant to have an electricity connection in his name and in view of the petitioner allegedly being a tenant and evidently in possession of the premises, there is no impediment for the CESC Limited to give such connection to the petitioner.

Accordingly, WPA 26469 of 2022 is disposed of by directing the CESC Limited to give a new electricity connection to the petitioner, upon taking prior inspection to ascertain the feasibility of the existing meter board position.

Such inspection shall be taken by the CESC Limited within December 15, 2022. In the event it is found that such connection is feasible, the CESC Limited shall, subject to compliance of all formalities by the petitioner, give such connection to the existing meter board position of the petitioner within a fortnight from the date of compliance of all formalities.

It is, however, made clear that if any resistance is faced by the personnel of the CESC Limited either in taking inspection or in giving such connection as directed, it will be open to the CESC Limited to approach the respondent no. 3, that is, the Officer-in-Charge, Malipanchghora Police Station, for adequate police assistance. If so approached, the respondent no. 3 shall grant such assistance to the CESC Limited personnel for the limited purpose of holding inspection and giving electricity connection to the petitioner.

Such assistance will be given at the costs of the petitioner.

It is further clarified that mere giving of electricity connection to the petitioner shall not create any special equity or right in favour of the petitioner, if the petitioner otherwise does not have such right in law.

The merits of the respective contentions of the parties with regard to the disputed property have not been gone into by this court.

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.)