

AD-32
Ct No.09
14.12.2022
TN

WPA No. 27338 of 2022

Piyush Builders Private Limited and another
Vs.

Calcutta Electric Supply Corporation Limited
and others

Mr. Shuvasish Sengupta,
Mr. Anurag Bagaria,
Mr. Indrajit Adhikari

.... for the petitioners

Mr. Amitava Chaudhuri,
Mr. N. Roy

.... for the CESC Limited

Mr. Rajarshi Basu,
Ms. Karabi Roy

....for the State

Despite service, none appears for the private respondents, although the petitioners and the Calcutta Electric Supply Corporation Limited (CESC Limited) are represented through counsel along with the State.

The grievance of the petitioners is that although a criminal complaint lodged against the petitioners by the private respondents was dismissed, the CESC Limited is not being able to give a new electricity connection, although the petitioners have already deposited the requisite amount, due to obstruction and objection from the end of the private respondents.

Such stand is corroborated by learned counsel for the CESC Limited.

From a perusal of the annexures to the writ petition, it is evident that the primary objection taken by the private respondents was to the effect that a complaint under Section 133 of the Code of Criminal Procedure was pending at the behest of the private respondents against the petitioners for removal of an electric transformer from the front of the private respondents' grocery shop. However, in view of the dismissal of the complaint in the meantime, the said objection does not subsist any longer.

Since it is submitted by learned counsel for the petitioners that the new transformer has already been installed, it will be open to the private respondents to object before the appropriate authorities and/or seek removal of such transformer if they are so entitled in law.

However, there is no present impediment for the purpose of giving electricity connection to the petitioners.

Hence, WPA No. 27338 of 2022 is disposed of by directing the CESC Limited to give electricity connection to the petitioners within a fortnight from the date, subject to compliance with all formalities by the petitioners. In the event any obstruction is offered

by the private respondents and/or their men and agents in the CESC personnel doing so, it will be open to the CESC personnel to approach the respondent no.4, the Officer-in-Charge of the Gariahat Police Station, for police assistance in that regard. If so approached, the respondent no.4 shall act on the communication of the learned Advocates for the parties, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof for the purpose of giving such assistance to the CESC personnel at the cost of 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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)