

AD-10
Ct No.09
22.12.2022
TN

WPA No. 28148 of 2022

Mahajan Shaw
Vs.
CESC Limited and others

Mr. Uddipan Banerjee

.... for the petitioner

Ms. Smita Pal

.... for the CESC Limited

Despite service, none appears for the private respondent.

Learned counsel for the petitioner argues that due to obstruction raised by respondent no.3, the CESC Limited is not being able to hold an inspection for the purpose of giving electricity connection to the petitioner.

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

It is further contended by the petitioner that in the event the respondent no.3 continues to raise such obstruction, the petitioner will be deprived of his right to get electricity at the premises, as conferred under Section 43 of the Electricity Act, 2003.

Learned counsel appearing for the CESC Limited submits that no inspection could even be held to ascertain the feasibility of giving the connection to the petitioner. Although the CESC personnel went to

the premises to hold such inspection, the same could not be held due to obstruction created by respondent no.3.

Since respondent no.3 chooses not to appear when the matter is called, despite service, the matter is being decided *ex parte* in the absence of the private respondent.

Accordingly, WPA No. 28148 of 2022 is disposed of by directing the CESC Limited to hold an inspection at the premises-in-question, upon prior notice to the petitioner and respondent no.3, for the purpose of ascertaining whether it is technically feasible to give an electricity connection to the petitioner in the petitioner's name at the disputed premises.

In the event the CESC Limited finds it suitable to give such connection, the CESC Limited shall raise an estimate/quotation and upon compliance of all formalities by the petitioner, give such connection, preferably within two weeks from the date of compliance of formalities by the petitioner. The inspection-in-question, as directed above, shall be held within a week from date.

In the event the CESC personnel are obstructed either at the time of inspection or at the time of giving connection by respondent no.3 and/or his men and agents, it will be open to the CESC personnel to

approach respondent no.4 herein, the Officer-in-Charge, Park Street Police Station for police assistance in that regard. If so approached, the respondent no.4 shall act on the server copy of this order and grant such assistance to the CESC personnel at the cost of the petitioner, both at the instance of holding the inspection and when the connection is sought to be given.

It is made clear that nothing in this order shall create any special equity or right in favour of the petitioner with regard to the premises-in-question, which the petitioner otherwise does not have in law.

It may be added that in the event any padlock or hindrance is put up by the respondent no.3 or his men and agents while the CESC personnel visit the premises on either of the above occasions, it will be open to the police personnel to break open such padlock or hindrance and give such access to the CESC personnel for the limited purpose as indicated above.

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.)

