

D/L. 24.
January 9, 2023.
MNS.

WPA No. 130 of 2023

Awadh Kishor Tiwari
Vs.
CESC Limited and others

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder

... for the petitioner.

Mr. Debjit Mukherjee,
Ms. Dipanwita Ganguly

...for the CESC Limited.

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

Despite service, none appears on behalf of
the private respondent, although the petitioner
and the CESC Limited are represented through
counsel.

Learned counsel for the petitioner
contends that despite the petitioner having
applied for a new electricity connection, the
CESC Limited is unable to give the same due to
obstruction and objection raised by respondent
no. 4 and his men and agents.

Since Section 43 of the Electricity Act,
2003 (2003 Act) confers a right on the petitioner
as an occupant to have an electricity connection

in the petitioner's name, there cannot be any impediment on the way of the CESC Limited in giving such connection to the petitioner.

Accordingly, WPA 130 of 2023 is disposed of by directing the CESC Limited to give a new electricity connection to the petitioner at the existing meter board position subject to compliance of all formalities by the petitioner within a fortnight from date or from compliance of all formalities, whichever is later.

In the event any objection or obstruction is raised by respondent no. 4 and/or his men and agents to the CESC Limited personnel giving such connection to the petitioner, the CESC Limited personnel shall be at liberty to approach the respondent no. 3, that is, the Officer-in-Charge of the Uluberia Police Station, upon which the respondent no. 3 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 certified copy thereof, and give such assistance to the CESC Limited personnel at the cost of the petitioner.

In the event any padlock or any other hindrance is put up by the private respondent no.

4 and his men and agents to prevent the CESC personnel from doing so, it will be open to the respondent no. 3 to ensure that such obstruction is removed for the limited purpose of the CESC Limited personnel giving electricity connection to the petitioner.

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.)