

17th February,
2023
(AK)
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W.P.A 861 of 2023
IA No: CAN 1 of 2023

Tirupati Developer and others
Vs.
The State of West Bengal and others

Mr. Rafukul Islam Sardar
...for the petitioners.

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

Dr. Madhusudan Saha Ray
...for the CESC Limited.

Mr. Bibek Dey
...for the proposed added respondent.

Mr. Sabyasachi Mukherjee
... for the respondent nos.4, 5 & 6.

Learned counsel for the petitioners submits that the petitioners/developers entered into development agreements with the private respondents and other persons and duly completed the construction of the multistoried building-in-question.

Thereafter, when the petitioners sought for electricity connection to the premises, it was communicated by the CESC Limited that due to pendency of a litigation the connection could not be given to the building.

However, learned counsel denies that there is any pending litigation between any of the parties.

Learned counsel appearing for the Distribution Licensee submits that the Distribution Licensee is otherwise eager to give electricity connection to the building-in-question.

However, the condition of the existing meter board area is extremely poor and may create safety hazards. That apart, an objection was received from the private respondents to give electricity.

Learned counsel appearing for the private respondents submits that the primary objection of the private respondents is that the existing meter board at the premises is in an extremely hazardous condition and in the event electricity connection is given, the same may create a risk to the life and limb of the inmates of the building.

It transpires upon hearing the parties that the crux of the dispute is that the condition of the meter board at the premises is not up to the mark for giving the electricity connection at the building, keeping in mind safety hazards.

However, since learned counsel for the petitioners submits on instruction that the petitioners are agreeable to undertake necessary repairs and/or construct the

meter board room as per the requirement of the CESC Limited and shall comply with all formalities in law, there cannot be any further impediment in that respect.

Accordingly, WPA 861 of 2023 along with CAN 1 of 2023 are disposed of by directing the petitioners to carry out the necessary renovation/construction/repair of the meter room, etc. for the purpose of making the premises suitable to give electricity connection as sought and to comply with all due formalities in law for the purpose of taking electricity connection at the earliest.

Upon such formalities being complied with and the meter board room being duly prepared, the CESC Limited shall give the electricity connection to the petitioners, subject to payment of all necessary costs by the petitioners, as expeditiously as possible, positively within a fortnight from the date of compliance of all formalities by the petitioners.

In the event any obstruction is raised at the time of giving such connection by the private respondents and/or their men and agents, it will be open to the CESC Limited personnel to approach the Inspector-in-Charge, Dum Dum Police Station, that is, respondent no.3 for adequate police assistance, which will be given in such case by the respondent no.3, acting on the basis of a server copy of this order, at the cost of the petitioners.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)