

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 1051 of 2023

Subhojit Dutta Roy
Vs.
The Calcutta Electric Supply
Corporation Limited & Ors.

Mr. Soumen Kumar Dutta,
Mr. Sabyasachi Bhattacharjee
... for the petitioner

Mr. Ram Chandra Guchhait
...for the CESC Limited

The petitioner's grievance is that the petitioner has sought for a new electricity connection, which is not being given by the Calcutta Electric Supply Corporation Limited (CESC Limited).

The background of the present case is that the owner of the premises, who was the erstwhile consumer, had supplied electricity previously to the petitioner, who claims to be a tenant in respect of the property, which was subsequently disconnected for non-payment of electricity charges.

Since the present writ petitioner had been enjoying electricity from the said meter as well, the present petitioner deposited the then outstanding dues and got the meter reconnected.

Subsequently, however, the meter standing in the name of the erstwhile consumer was again disconnected for non-payment of electricity charges.

Such disconnection, it is submitted, took place about a year back.

As such, learned counsel for the CESC Limited submits that the petitioner shall be entitled to get a new electricity connection in his name only subject to removal of the previous electricity meter and upon payment of security deposits as well as the total outstanding dues, amounting to Rs.25,883/-.

Heard learned counsel for the parties.

There is no impediment at present to remove the previous meter, which was standing in the name of the erstwhile consumer, as in terms of the existing law and regulations the contract of electricity supply with the consumer is automatically terminated by operation of law after expiry of 180 days from disconnection. The period of 180 days has expired long ago after the last disconnection of the meter standing in the name of the erstwhile consumer.

Hence, W.P.A. 1051 of 2023 is disposed of by directing the CESC Limited to give a new electricity connection to the petitioner, subject to compliance of all requisite formalities by the petitioner, including payment of security deposits as assessed by the CESC Limited as well as outstanding dues standing in respect

of the premises to the tune of Rs.25,883/- and all other necessary charges for taking a new electricity connection. Such connection shall be given by the CESC Limited within a fortnight from the compliance of all formalities, as indicated above, by the petitioner

It is made clear that in view of the automatic termination of the previous contract with the erstwhile consumer at the premises, there is at present no impediment for the CESC Limited to remove the old meter from the said premises for the purpose of giving the petitioner a new metered connection.

In the event any obstruction is raised from any quarter to the CESC personnel doing so, it will be open to the CESC personnel to approach the respondent no. 4, that is, the Officer-in-Charge, Jadavpur Police Station for necessary police assistance.

If so approached, the respondent no. 4 shall act on a server copy of this order and grant such assistance to the CESC personnel at the cost of the petitioner.

It will be open to the police personnel to remove any padlock and/or other hindrance, if put up for obstructing the CESC personnel in doing the needful in the above regard.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)