

AD-13
Ct No.09
24.01.2023
TN

WPA No. 1220 of 2023

Khurshid Alam
Vs.
CESC Limited and others

Mr. Uddipan Banerjee
.... for the petitioner
Mr. Debanjan Mukherji
.... for the CESC Limited

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

Despite service, none appears for the private respondent at the time of call, although the petitioner and the CESC Limited are represented through counsel.

Since no affidavit-in-opposition is being invited, it is deemed that none of the allegations made in the writ petition are admitted by any of the respondents.

The petitioner contends to be a tenant in respect of the disputed property in respect of which the petitioner has sought for a new electricity connection in his own name. However, even after payment of the quotation amount raised by the CESC Limited, such connection could not be given to the petitioner due to specific written objection by the private respondent.

It is seen from the objection of the private respondent by way of an e-mail annexed at page-22 of the writ petition, that the said objection does not have any legal footing at all. In fact, the private respondent has stated that he had no objection to the petitioner getting an electricity connection from the private respondent and had allegedly made an application to the CESC Limited for a new connection. However, the CESC Limited had refused such application on the ground that there was no scope or space for a new meter in the premises. However, according to the allegation of the private respondent, subsequently due to reasons beyond the law, the CESC Limited agreed to give such connection to the petitioner.

Learned counsel for the CESC Limited submits that the CESC Limited has taken an inspection and found that it is feasible to give such electricity connection as applied for by the petitioner from the existing meter board position at the premises. It is further submitted by learned counsel for the CESC Limited that the objection was raised post-payment by the petitioner.

Since the private respondent chooses to remain absent despite being served, the matter is taken up for hearing *ex parte* in her absence.

Since the petitioner is a tenant in respect of the property, which fact has not been denied even by the private respondent/landlord, and in view of the objection raised by the private respondent is patently frivolous and cannot form any basis for precluding the petitioner from getting a new electricity connection, the same is hereby overturned.

WPA No.1220 of 2023 is, thus, allowed by directing the CESC Limited to give a new electricity connection to the petitioner from the existing meter board position at the premises-in-question as expeditiously as possible, positively within one week from date.

In the event any obstruction is raised by the private respondent and/or her men and agents in the CESC personnel doing so, it will be open to the CESC personnel to approach the respondent no.4 herein, the Officer-in-Charge, Ekbalpur Police Station for adequate police assistance. The respondent no.4 shall act on the server copy of this order and give such assistance to the CESC personnel at the cost of the petitioner.

It is made clear that in the event any padlock or other hindrance is put up by the private respondent and/or her men and agents to prevent the CESC personnel from having access to the existing meter

board position for giving such new connection to the petitioner, it will be open to the police personnel to remove such padlock/hindrance for the limited purpose of giving such access to the CESC personnel. It is also made clear that the merits of the respective rights and contentions between the petitioner and the private respondent have not been gone into in any manner by this court.

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.)