

AD-09
Ct No.09
16.02.2023
TN

WPA No. 2475 of 2023

Salma Alam
Vs.
CESC Limited and others

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder
.... for the petitioner

Mr. Debanjan Mukherji,
Mr. Manoj Kr. Mondal
.... for the CESC Limited

Mr. Uddipan Banerjee
....for the respondent nos. 4 & 5

Learned counsel for the petitioner contends that when the CESC Limited sought to give a loop metered connection to the petitioner as per the petitioner's application, such supply was resisted by the private respondents, due to which the same could not be given.

Learned counsel appearing for the CESC Limited, by placing reliance on written instructions filed today, submits that the portion of the property where the connection of the petitioner is required to be given belongs to the petitioner.

However, learned counsel for the private respondents disputes such contention and submits that the said property, where the existing connection

is situated, is a common passage and cannot be used for giving an electricity connection to the present petitioner. It is further submitted that the private respondents' meter is installed at the existing meter board position.

Irrespective of the ownership of the location where the meter is located, whether the same is a common passage or belongs to the petitioner as claimed, such factor does not have a relevant bearing on the issue in contention in the present writ petition. Even if it is a common area as claimed by the private respondents, there cannot be any impediment in giving a loop meter connection to the petitioner from the existing service connection, for the simple reason that the Distribution Licensee is the owner of the electricity apparatus, including the meters, and the service connection.

Since the petitioner is eligible to be a consumer of the CESC Limited otherwise as per the stand of the CESC itself and has complied with due formalities, the CESC Limited is duty-bound under Section 43 of the Electricity Act, 2003 to give such connection to the petitioner. The respondents' objection is not germane in that regard and has to be overlooked in the present context.

Accordingly, WPA No. 2475 of 2023 is allowed, thereby directing the CESC Limited to give electricity connection to the petitioner by a loop meter from the existing service connection at the premises as expeditiously as possible, positively within a week from date.

In the event any obstruction is raised by the private respondents and/or their men and agents in doing so, the CESC Limited personnel will be at liberty to approach the Officer-in-Charge, Mahestala Police Station (respondent no.3 herein) for adequate police assistance. If so approached, such assistance shall be given by the respondent no.3 by acting upon a server copy of this order, without insisting upon prior production of a certified copy thereof, and giving such assistance to the CESC personnel at the cost of 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.)