

17th March,
2023
(AK)
06-07

W.P.A 2793 of 2023

Uday Sharma
Vs.
CESC Limited and others

With

W.P.A 4068 of 2023

Ashok Kumar Mahto
Vs.
CESC Limited and others

Mr. Bidyut Kr. Halder
Mr. Indranil Halder
Ms. Shrabanti Das
Ms. Neha Singh

...for the petitioners.

Mr. Suman Ghosh
Mr. Manoj Kr. Mondal

...for the CESC Limited.

Mr. Munir Ahmed

...for the private respondent no.4.

It appears from the report of the CESC Limited that the area-in-question is a congested area with several buildings existing all over the place with large number of existing and/or intending consumers in the premises-in-question, which already houses around fifty two tenants, who had expressed their intent during the course of the inspection to obtain metered supply at the existing meter board position, for which the CESC Limited is of the view that keeping in mind several intending consumers and to

avoid fire and electrical hazards, a block meter would be the appropriate solution.

Learned counsel for the CESC Limited places reliance on Clause 18 of Regulation No.53 dated April 2, 2013 of the West Bengal Electricity Regulatory Commission, which provides that in bustees, markets, etc. where it may not be possible to segregate one consumer from an adjacent consumer because of existence of a very large number of consumers in a relatively small premises, and where because of multiplicity of the wirings of such a large number of consumers, there may arise fire and safety hazards, the licensee may effect supply of electricity to all the consumers/intending consumers through a suitably located common meter of adequate capacity, to be known as a Block Meter.

In such view of the matter, since a block meter is the only appropriate solution to avoid fire and electrical hazards, it transpires that the CESC Limited can give the electricity connection to the petitioners in such manner.

However, learned counsel for the private respondent/landlord submits that the petitioners are not a tenant at all in respect of the disputed property but are rank trespassers, contrary to the averments made in the writ petitions.

It is further contended by learned counsel for the private respondent that, taking advantage of the direction

of this court on the previous occasion, the CESC Limited had entered the premises, without any objection on the part of the private respondent, with police personnel at the first instance and the private respondent, taking unfair advantage of the situation, had sought to enter the premises of an actual tenant of the private respondent at the premises in order to install the electricity meter there.

However, in his capacity as a landlord/owner, the private respondent has no right to prevent the petitioners, who are apparently in occupation of the property, from taking separate electricity connections.

It is well-settled that even an unauthorized occupant is entitled to take electricity connection.

Needless to say, the electricity connection, if given, shall not create any special right or equity in favour of the petitioners which the petitioners otherwise does not have.

In view of the aforesaid developments, WPA 2793 of 2023 and WPA 4068 of 2023 are disposed of by directing the petitioners to apply jointly with the other intending consumers for installation of a block meter in order to get electricity connection at the premises.

Irrespective of the number of applicants, the CESC Limited, upon getting the first such joint application, shall give such connection to the intending consumers including the petitioners, subject to compliance of all formalities by the said applicants.

Such connection shall be given by the CESC Limited as expeditiously as possible, preferably within four weeks from the date of such compliance being made by the applicants.

In the event any obstruction is raised by the private respondent and/or his men and agents, the CESC personnel will be at liberty to approach the local Police Station.

If so approached, the Officer-in-Charge of the South Port Police Station (respondent no.3) shall give adequate police assistance at the cost of the petitioner for ensuring access of the CESC personnel for the purpose of installing the block meter and giving the electricity connection therein.

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.)