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24.03.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 3343 of 2023

Biswanath Naskar

-vs.-

The Calcutta Electricity Supply Corporation Ltd. & Ors.

Mr. Nirmalendu Bera
Mr. Gora Chand Samanta
...for the petitioner

Ms. Sreemoyee Mitra
...for the CESC Limited

None appears for the private respondent when the matter is called on for hearing.

Learned counsel appearing for the CESC Limited submits, on instruction, that upon an inspection being held by the CESC Limited, it was ascertained that the alternative route suggested by the private respondent in his objection is not feasible at all for giving a new electricity connection to the petitioner.

That apart, learned counsel submits that the existing cable in the area is already catering to several other people in the neighborhood and has been there for about fifteen years now.

In such view of the matter, there is no scope of precluding the petitioner from getting electricity connection, which the petitioner is entitled in law to get otherwise.

Accordingly, WPA 3343 of 2023 is disposed of by directing the CESC Limited to give a new electricity connection to the petitioner as per the route deemed feasible by the CESC Limited, upon compliance of all formalities by the petitioner.

Such connection shall be given by the CESC Limited as expeditiously as possible, positively within two weeks from this date or the date of compliance of formalities, whichever is later.

It is made clear that in the event any obstruction is raised by the private respondent and/or his men and agents to the CESC personnel while doing so, it will be open to the CESC personnel to approach the respondent no.4, the Inspector-in-Charge of the Budge Budge Police Station, who will act on a server copy of this order and give such assistance at the cost of the petitioner.

However, it is made clear that the right, title and interest of any of the parties to the present litigation have not been gone into on merits by this court and it will open to both sides to claim their respective rights before the appropriate court/forum, if they so choose.

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.)