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16.03.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 5115 of 2023

Sib Chandra Bhowmick
Vs.
CESC Limited & Ors.

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder,
Ms. Srabanti Das,
Ms. Neha Singh
...for the petitioner

Mr. Debanjan Mukherjee
...for the CESC Limited

Mr. Debraj Bhattacharya,
Mr. Saikat Ghosh
...for the private respondent no. 4

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

The grievance of the petitioner is that, when the CESC personnel went to hold an inspection for ascertaining feasibility of giving electricity connection to the petitioner, they were obstructed by the private respondent no. 4/landlord from doing so.

Learned counsel appearing for the CESC limited agrees to such contention.

Learned counsel appearing for the private respondent no. 4 submits on instruction that no prior notice was given at any point of time to the private respondent no. 4 at the juncture when such inspection was allegedly sought to be taken by the CESC

personnel. As such, the private respondent no. 4 was well within his right to refuse the entry of the CESC personnel.

Upon hearing learned counsel for the parties, it transpires that the private respondent no. 4 does not otherwise have any objection to the electricity connection being given to the petitioner if the petitioner is so entitled otherwise in law.

In view of misunderstanding, the private respondent no. 4 had objected to the inspection being held.

Hence, in view of such submission made by the private respondent no. 4, W.P.A. No. 5115 of 2023 is disposed of by directing the CESC Limited to hold an inspection at the premises-in-question, for the purpose of ascertaining feasibility of giving a new electricity connection to the petitioner, within a week from date.

Upon such inspection, if it is found feasible, such connection shall be given to the petitioner within a fortnight from the compliance of all formalities by the petitioner at the existing meter board position.

If in either of the cases, the CESC personnel face any obstruction from the respondent no. 4 and/or his men and agents, it will be open to such personnel to approach the respondent no. 3, the Officer-in-Charge, Burtolla Police Station, for adequate police assistance.

If so approached, the respondent no. 3 shall act on the server copy of this order and provide such assistance to the CESC personnel in both the cases, at the cost of the petitioner.

In the event any padlock is affixed and/or hindrance is created by the respondent no. 4 to prevent the access of the CESC personnel to the existing meter board position, it will be open to the police personnel to remove such padlock and/or hindrance for the limited purpose of giving access to the meter board position of the CESC personnel.

However, it is made clear that such electricity connection, if given to the petitioner at the property, shall not create any special equity or right in favour of the petitioner and/or prejudice the rights of the private respondent in any manner whatsoever, if the petitioner is not otherwise entitled to such equity in law.

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.)