

29th March,
2023
(AK)
03

W.P.A 5368 of 2023

Pradip Paul
Vs.
CESC Limited and others

Mr. Avirup Chatterjee
...for the petitioner.

Mr. Jayanta Kr. Dhar
...for the CESC Limited.

Mr. Shareq Siddique
Mr. Rajdeep Bhattacharya
Mr. Shahnewaz Alam
...for the respondent no.4.

The report filed by learned counsel for the CESC Limited today be kept on record.

A copy is circulated among the learned Advocates for the petitioner and the private respondent during the course of hearing.

As per the CESC Limited, it is agreeable to give a commercial connection to the petitioner at the premises-in-question, where the petitioner wants to construct a house on the vacant portion of the premises.

It is submitted that the petitioner is required to construct a meter board shed in the vacant plot with clear demarcation of passage for laying cable in such premises.

Since the dispute can be resolved by granting liberty to the petitioner to apply for a commercial connection and to comply with formalities, to which, learned counsel for

the petitioner submits, the petitioner is agreeable, there is no further requirement to keep the writ petition pending.

Accordingly, WPA 5368 of 2023 is disposed of by directing the CESC Limited to hold an inspection upon prior notice to the petitioner and the private respondent for the purpose of ascertaining the feasibility of giving a new commercial connection to the petitioner and for the petitioner to show a clear demarcation of passage for laying the cable in the vacant portion of the premises.

Such inspection, it is expected, shall be conducted within a fortnight from date. Immediately thereafter, the CESC Limited shall raise a proper quotation.

Upon the petitioner complying with all formalities and paying all costs in that regard, the CESC Limited shall give such commercial connection to the petitioner at the earliest thereafter, positively within a fortnight from the date of compliance of such formalities.

In the event the private respondent and/or his men and agents object to such inspection or such connection being given, it will open to the CESC personnel to approach the respondent no.3, the Officer-in-Charge of the Netaji Nagar Police, Station for adequate police assistance.

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

It is made clear that in the garb of taking the electricity connection, the petitioner shall not attempt to encroach the portion of the private respondent.

Moreover, such electricity connection shall not create any special right or equity in favour of the petitioner which the petitioner otherwise does not have in law and equity.

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.)