

5th April,
2023
(AK)
06

W.P.A 6808 of 2023

Smt. Minati Karmakar
Vs.
Calcutta Electric Supply Corporation Limited and others

Mr. Sayantan Adhya
...for the petitioner.

Dr. Madhusudan Saha Ray
...for the CESC Limited.

The grievance of the petitioner/mother is that the electricity connection standing at the premises was originally in the name of the private respondent no.4/son but was subsequently transferred in the name of the petitioner on the petitioner's application, due to a rift between the private parties.

However, despite such transfer, the name with regard to the electricity meter standing in the premises was re-transferred in the name of the private respondent no.4, thereby putting the petitioner in jeopardy, since the private respondent is disrupting the enjoyment of the property as well as user of electricity by the petitioner.

It is further submitted by learned counsel Mr. Adhya, appearing for the petitioner, that there are several litigations pending between the petitioner and the private respondent at present.

Learned counsel appearing for the CESC Limited, in all fairness, submits that the CESC Limited, in view of the strained relation between the parties, is agreeable to give an electricity connection to the petitioner if she applies for the same, subject to compliance with formalities.

In view of such fair stand of the CESC Limited, WPA 6808 of 2023 is disposed of by granting liberty to the petitioner to apply for a new electricity connection in her name at the premises.

If such an application is made and subject to compliance of all formalities by the petitioner, the CESC Limited shall give such connection at the existing meter board position to the petitioner within a fortnight from the date of compliance of formalities, without raising any objection as regards splitting of load.

It is made clear that this order has been passed in the particular circumstances of the case and shall not be a precedent for other matters.

Since none appeared for the private respondent no.4 despite service, the matter was decided *ex parte* in his absence.

However, nothing in this order shall prejudice the rights and contentions of either of the parties in the pending litigations.

In the event the CESC personnel face any obstruction from the private respondent no.4 and/or his

men and agents in holding necessary inspection and/or giving such connection to the petitioner in her own name, it will be open to the CESC personnel to approach the local Police Station.

If so approached, the Inspector-in-Charge/Officer-in-Charge, as applicable, of the said police station shall immediately grant adequate police assistance to the CESC personnel at the cost of the petitioner for the purpose of giving access to the CESC personnel to comply with the directions as given herein.

In the event any padlock or other obstruction is put up, the police personnel will be at liberty to break open and/or remove such padlock or hindrance for the purpose of giving access to the CESC personnel.

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.)