

4th April,
2023
(AK)
06

W.P.A 7269 of 2023

Sri Tapan Das
Vs.
CESC Limited and others

Mr. Subhasish Pachhal
...for the petitioner.

Ms. Sreemoyee Mitra
...for the CESC Limited.

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

It is seen from the envelope which has returned that the private respondent has refused to accept service. In law, the same tantamounts to good service.

Hence, the matter is taken up for hearing even in the absence of the private respondent.

It is submitted by learned counsel for the petitioner and corroborated by learned counsel for the CESC Limited that due to resistance created by respondent no.5, the CESC Limited could not hold an inspection for the purpose of ascertaining the feasibility of giving new electricity connection to the petitioner at the premises-in-question.

In view of such situation, WPA 7269 of 2023 is disposed of by directing the CESC Limited to hold an inspection at the premises-in-question within a fortnight

from date, upon prior notice to the petitioner as well as the private respondent, for the purpose of ascertaining whether it is feasible to give a new electricity connection to the petitioner at the premises-in-question.

Upon such feasibility ascertainment, if so found fit to be given, the CESC Limited shall give such connection to the petitioner within a further fortnight from the date of compliance of formalities by the petitioner.

In either of the cases, whether at the time of inspection or at the time of giving electricity connection, if given, if the CESC personnel face any obstruction from the private respondent no.5 and/or her men and agents, it will be open to the said personnel to approach respondent no.4, the Inspector-in-Charge of the Golabari Police Station, for adequate police assistance.

If so approached, respondent no.4 shall act on a server copy of this order and grant such assistance to the CESC personnel at the cost of the petitioner for the limited purpose as indicated above.

If any padlock or other hindrance is put up by private respondent no.5 to prevent the access of the CESC personnel, the police will be at liberty to remove such padlock or hindrance, also for the limited purpose indicated above.

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.)