

AD-02
Ct No.09
09.06.2023
TN

WPA No. 8262 of 2023

Vijay Kumar Pandey
Vs.
C.E.S.C. Limited and others

Mr. Pawan Kr. Gupta,
Mr. Vijay Verma,
Ms. Sofia Nesar,
Mr. Santanu Sett

.... for the petitioner

Mr. Debanjan Mukherji

.... for the CESC Limited

Mr. Sandip Ghosh,
Mr. Partha Sarkar

.... for the respondent no.4

Mr. Rishabh Kankani,
Mr. Pranav Sharma,
Mr. S. Rai

.... for the respondent nos. 5 & 6

Learned counsel for the CESC Limited, on instructions, submits that the CESC Limited has no objection, on principle, to give a new service connection at premises no. 14/2 for the user of the occupant of 14/2.

Learned counsel for the respondent nos. 5 and 6 submits that such connection ought to be given at such a location of premises no. 14/2, which will not disturb the smooth ingress and egress of the respondent nos. 5 and 6, who are the owners of the premises.

Learned counsel appearing for the respondent no.4, who is the primary objector, submits that the connection be given to the petitioner at 14/2 independently without disrupting the possession of the respondent no.4 in any manner.

However, the CESC Limited is of the opinion that the underground cables may have to be laid through premises no. 14, where a service already exists, for the purpose of enabling the CESC Limited to give the new service connection to the petitioner at premises no. 14/2.

It also transpires that a civil suit is pending between the private parties.

In view of the above submissions, it cannot be gainsaid that the petitioner, under Section 43 of the Electricity Act, 2003, has an indefeasible right to get electricity connection as an occupant of premises no. 14/2. Although the petitioner claims to be a tenant thereof, which is disputed by respondent nos. 5 and 6, such issue is not germane for the purpose of giving an electricity connection to the petitioner, since, in any event, the said question will be decided in the pending civil suit between the parties.

Thus, WPA No. 8262 of 2023 is disposed of by granting liberty to the petitioner to apply within a

week for a fresh service connection at premises no. 14/2, Guha Road, Howrah.

If such an application is made, the CESC Limited shall process the said application and for such purpose, may deem the prior application for block meter connection of the petitioner to stand cancelled.

Upon such processing as necessary, the CESC Limited shall, within a week of the application, raise due estimate and serve the same on the petitioner. Upon the petitioner complying with all formalities and depositing the requisite costs, the CESC Limited shall, within four weeks thereafter, lay the necessary cables and give a new service connection to the petitioner at premises no. 14/2. However, while giving such service connection, the CESC Limited shall be careful not to disturb the smooth ingress and egress of the respondent nos. 5 and 6/owners to the said premises, that is, premises no. 14/2. That apart, it is further clarified that such electricity connection, if given, shall not create any special right or equity in favour of the petitioner which the petitioner does not otherwise have in law. In the event the CESC personnel are obstructed in any manner in doing so, it will be open to the CESC personnel to approach respondent no.3, that is, the Officer-in-Charge, Belur Police Station for

police assistance. The respondent no.3 shall act on such communication and/or a server copy of this order and give such assistance at the cost of the petitioner for the purpose of enabling the CESC personnel to lay such cables where necessary and give the new service connection to the petitioner.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)