

D/L. 14.
April 18, 2023.
MNS.

WPA No. 8394 of 2023

Krishna Gopal Nandy
Vs.
CESC Limited and others

Ms. Soma Chowdhury (Bandhu),
Mr. Abhik Sarkar

... for the petitioner.

Mr. Debanjan Mukherjee

...for the CESC Limited.

Mr. Dilip Kumar Mandal

...for the respondent no. 3.

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee

...for the State.

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

Learned counsel for the State files a
report, which be kept on record.

Learned counsel for the petitioner submits
that the petitioner is a tenant, but has been living
without electricity and somehow managing to live
at the premises. When the petitioner applied for
a new electricity connection in the petitioner's
name, the CESC Limited personnel went to have
inspection, but were obstructed by the private

respondent no. 3, due to which the connection could not be given to the petitioner.

Learned counsel for the CESC Limited submits, on instruction, that the CESC Limited has held an inspection and are of the opinion that they are willing to give loop meter to the petitioner at the existing service connection at the premises, subject to compliance of all formalities by the petitioner. It is further submitted that the CESC Limited has already issued an offer letter, which has been honoured by the petitioner by making due payments.

Learned counsel for the private respondent no. 3 submits that the respondent no. 3 is the owner of the property and has an objection to the petitioner taking a new electricity meter in the petitioner's name.

It is further contended by learned counsel for the private respondent no. 3 that the petitioner is already enjoying an electricity meter at the premises itself.

Learned counsel for the private respondent no. 3 seeks to use an affidavit-in-opposition to that effect.

Upon hearing learned counsel for the parties, it transpires that a direction to file

affidavits in the matter will be unnecessary and futile.

Even taking the best case of the private respondent no.3, the petitioner's occupation in respect of the premises is not disputed by the private respondent.

The issue as to whether the petitioner is enjoying another electricity meter at the premises is best left to the Distribution Licensee to answer.

Since the CESC Limited, on inspection, has found that there is an existing service connection at the premises, but no electricity meter in the name of the petitioner, the CESC Limited is willing to give a loop meter. Thus, the right of the petitioner to get electricity as mandated under Section 43 of the Electricity Act, 2003 cannot be thwarted.

Hence, the prayer for filing affidavit-in-opposition is refused on the grounds as indicated above.

WPA No. 8394 of 2023 is accordingly allowed, thereby directing the CESC Limited to give electricity connection to the petitioner in the form of loop meter from the existing service connection at the premises from the existing meter board position.

In the event any obstruction is raised by the private respondent and/or her men and agents, it will be open to the CESC Limited personnel to approach the respondent no. 4, that is, the Inspector-in-Charge, Chitpur Police Station, who will act on the server copy of this order and grant such assistance as necessary to the CESC personnel at the cost of the petitioner for the purpose of giving the new electricity connection through the loop meter to the petitioner.

It is, however, made clear that giving of the electricity meter to the petitioner *per se* shall not create any special right or equity in favour of the petitioner, which the petitioner otherwise does not have in law and equity.

If any padlock is put up by the private respondent to prevent the access of the CESC Limited personnel from reaching the existing meter board position or the premises for the purpose of giving the loop meter, it will be open to the police personnel to remove such hindrance for the limited purpose of giving access to the CESC personnel for giving such connection.

Such connection shall be given by the CESC Limited to the petitioner within an outer limit of a fortnight from date.

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.)