

D/L. 4.
May 10, 2023.
MNS.

WPA No. 9146 of 2023

Sri Ashok Jhunjhunwala and another
Vs.
The Calcutta Electric Supply Corporation
Ltd. and others

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. R. Ahmed,
Mr. Rudranil Das

... for the petitioners.

Ms. Nandini Mitra,
Mr. Debanjan Mukherji

...for the CESC Limited.

Mr. Swapan Kumar Pal

...for the State.

Mr. Upendra Roy,
Ms. A. Sinha,
Ms. Kanchan Roy

...for the private respondent.

Learned counsel for the private respondent seeks an opportunity to file an exception to the report filed by the CESC Limited.

The ground of such objection by the private respondent is that the petitioners, admittedly running a business since 2019 at the premises, could not have continued without

electricity connection for so long, at least for the purpose of running such business.

It is argued that the petitioners, accordingly, must have committed pilferage of electricity from some premises or the other, for the purpose of running the business.

It is further argued that proper notice was not given to the private respondent with regard to the inspection held by the CESC Limited.

Such contentions are refuted by learned counsel for the CESC Limited as well as learned counsel for the petitioners.

In so far as the scope of the inspection directed by this Court is concerned, the same pertains to ascertainment as to whether the petitioners committed pilferage of electricity at the premises-in-question and whether it was feasible to give the electricity connection to the petitioners, as applied for.

There is nothing to indicate that the inspection was *prima facie* unlawful or that the report submitted by the CESC Limited in that regard is faulty.

Although the private respondent seeks to file an exception, there has not arisen any occasion for broadening the scope of the present

writ petition by permitting the private respondent to do so. Moreover, the private respondent, in any event, did not have *locus standi* to object to an enquiry by the CESC Limited as regards alleged pilferage by the petitioners. Even in the capacity of a complainant, the private respondent's role ended when the CESC Limited took steps on such complaint.

The matter of alleged pilferage being an issue between the petitioners and the CESC Limited and the CESC Limited having found no occasion of pilferage, there cannot be any further direction on the parties to file exception to the report.

Moreover, the allegation as regards pilferage being committed by the petitioners is somewhat bald, being bereft of any material to substantiate it. Mere apprehension of pilferage of the private respondent only on the ground that the petitioners could not have run their business for so long without electricity, cannot be a valid ground even for initiating an investigation or enquiry into the matter more than the inspection report, which would suffice in that regard.

In so far as the feasibility of giving electricity is concerned, since the CESC is of the

opinion, on inspection, that it is feasible to give a new connection to the petitioners as per their application and as the petitioners are admittedly purchasers of a portion of the property from the private respondent, there cannot be any impediment to the CESC giving electricity connection to the petitioners.

Accordingly, WPA 9146 of 2023 is allowed, there by directing the CESC Limited to give new electricity connection to the petitioners at the premises-in-question, from the existing meter board position.

In the event any obstruction is raised by the private respondent and/or his men and agents while doing so, the CESC Limited personnel will be at liberty to approach the respondent no. 3, that is, the Officer-in-Charge, Howrah Police Station for adequate police assistance.

If so approached, the Officer-in-Charge of the concerned police station shall grant such assistance at the cost of the petitioners by acting on a server copy of this order, without insisting upon prior production of a certified copy thereof.

In the event any padlock or any other hindrance is put up by the private respondent to prevent the CESC Limited personnel from doing

so, it will be open to the respondent no. 3 to ensure that such hindrance is removed by breaking open the padlock for the purpose of giving the access to the CESC Limited personnel to give such connection to the petitioners as directed above.

Such connection shall be given by the CESC Limited within a fortnight from date and/or upon compliance of all formalities by the petitioners, whichever is later.

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.)