

D/L. 8.
April 28, 2023.
MNS.

WPA No. 10128 of 2023

Shib Shankar Ghosh
Vs.
CESC Limited and others

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder,
Ms. Neha Singh

... for the petitioner.

Mr. Debanjan Mukherji,
Mr. Aniruddha Ganguly

...for the CESC Limited.

Mr. Avijit Sarkar

...for the respondent nos. 4 and 5.

The petitioner shall file a correct affidavit-of-service during the course of the day.

The learned Advocate appearing for the respondent nos. 4 and 5 is granted leave to file his vakalatnama in the department, also during the course of the day.

The grievance of the petitioner is that the respondent nos. 4 and 5 are objecting to the CESC Limited giving a new electricity connection to the petitioner.

Learned counsel for the CESC Limited submits that upon an inspection it was found that

a loop meter can at best be given to the petitioner in view of there being an existing service connection at the premises from before.

Learned counsel appearing for the respondent nos. 4 and 5 submits that the said respondents have also applied for electricity connection and have deposited the due amount for getting such connection. However, such connection is being objected to by the petitioner.

Since it is submitted by learned counsel for the respondent nos. 4 and 5 that two litigations are already pending before the competent civil court between the private parties, the merits of the dispute between the petitioner and respondent nos. 4 and 5 on their civil rights with regard to the property cannot be gone into by this court in the present writ petition.

Since the respondent nos. 4 and 5 say that they have already applied for a new electricity connection, if otherwise entitled, there cannot be any impediment merely because the petitioner is given a connection, for the CESC Limited to give a connection pursuant to the application of the respondent nos. 4 and 5 as well.

Be that as it may, the application of the respondent nos. 4 and 5 is beyond the scope of the present writ petition.

WPA No. 10128 of 2023 is disposed of by granting liberty to the petitioner to apply for a loop meter connection. If such an application is made and due formalities are complied with, the CESC Limited shall give the new electricity connection to the petitioner from the existing service connection at the premises as expeditiously as possible, preferably within a fortnight from the date of compliance of due formalities.

However, it is made clear that nothing in this order shall create any hindrance to the respondent nos. 4 and 5 getting their electricity connection, if they are otherwise entitled and subject to compliance of due formalities by them.

In the event any obstruction is raised by the respondent nos. 4 and 5 and/or their men and agents, it will be open to the CESC Limited personnel to approach the respondent no. 3, that is, the Officer-in-Charge, Haridevpur 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 proposed consumer

applying for electricity connection by acting on a server copy of this order without insisting upon prior production of a certified copy thereof.

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.)