

D/L. 12.
June 13, 2023.
MNS.

WPA No. 10531 of 2023

Bharat Mondal
Vs.
Calcutta Electric Supply Corporation
and others

Mr. Maidul Islam Kayal,
Mr. Sumit Naksar

... for the petitioner.

Dr. Madhusudan Saha Roy

...for the CESC Limited.

Mr. Anand Farmania

...for the State.

Mr. Aniket Mitra

...for the private respondent.

Learned counsel for the petitioner contends that due to resistance by the private respondent, the CESC Limited is not being able to give a new electricity connection to the petitioner.

Learned counsel for the CESC Limited submits that there is an existing service connection, which is situated in a common position between the houses of the petitioner and the private respondent, from which the private respondent is already enjoying a connection.

After a previous round of litigation, it was ascertained that a loop meter can be given to the present petitioner from the said existing service connection.

Learned counsel for the private respondent opposes the contention of the CESC Limited and submits that, as per his instruction, the meter-room is situated within the premises of the private respondent and, as such, if a connection is given to the petitioner from the said room, such connection shall hamper the possession as well as privacy of the private respondent.

Upon considering the submissions of the parties, it is clear that there is an existing service connection from which a loop meter can be given to the petitioner as per the licensee itself.

That apart, from a previous order dated March 3, 2021, passed in WPA 1769 of 2021, it is seen that a co-ordinate Bench of this Court had directed the respondent no. 4 therein, that is, the private respondent herein, to provide a separate electric meter at the existing service connection at the subject premises.

That apart, since the CESC Limited is of the opinion that a loop meter can be installed only from such existing service connection, the right of

the petitioner under Section 43 of the Electricity Act, 2003 to get such an independent connection in his name cannot be curtailed by the private respondent.

Accordingly, WPA No. 10531 of 2023 is allowed, thereby directing the CESC Limited to give a loop meter connection to the petitioner from the existing service connection, subject to compliance of all due formalities by the petitioner, as expeditiously as possible, positively within a fortnight from date.

If any obstruction is offered by the private respondent and/or his men and agents, the CESC Limited personnel will be at liberty to approach the respondent no. 8, that is, the Officer-in-Charge, Mahestala Police Station for adequate police assistance. If so approached, the respondent no. 8 shall act on the server copy of this order and give such assistance to the CESC Limited personnel at the cost of the petitioner.

If any padlock or other hindrance is put up to resist the CESC Limited personnel, the police authorities will break open such padlock and/or remove such hindrance for giving access to the

existing meter board position to the CESC Limited personnel.

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.)