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05.06.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 10998 of 2023

Smt. Suruchi Das
-vs.-
CESC Limited & Ors.

Mr. Indranil Halder,
Ms. Neha Singh,
Ms. Srabanti das
...for the petitioner

Ms. S. Sarkar,
Mr. Sagnik Roy Chowdhury
...for the CESC Limited

Mr. D. Mukherjee,
Ms. Susmita Chatterjee,
Mr. Kaustav Bhattacharyya,
Ms. S. Chatterjee
...for the private respondent

Learned counsel for the petitioner, who is the sister of private respondent no. 4, submits that the petitioner is not being able to get electricity connection at the premises-in-question due to resistance by the private respondent no. 4.

Learned counsel appearing for the Calcutta Electric Supply Corporation Limited (CESC Limited) also corroborates such submission insofar as the CESC Limited is not being able to give such connection to the petitioner due to obstruction created by respondent no. 4 and his men and agents.

Learned counsel appearing for the private respondent no. 4 submits that the said respondent has no objection if the connection is given from a separate meter board position than that where the private respondent's meter is installed. It is submitted that the private respondent no. 4 expended substantial amounts for installation of such meter and the petitioner cannot take undue advantage of the same.

Upon hearing learned counsel for the parties, in particular the CESC Limited, it transpires that in view of the constraints and structural unity of the portions of the building respectively in occupation of the private parties, it is not feasible to install a separate service connection in the same building for the petitioner. The connection, if any, can only be given from the existing meter board position and, as such, has to be connected from the location of the meter board position of the private respondent.

Upon hearing learned counsel for the parties, it is clear that the objection taken by the said respondent is flimsy and cannot be sufficient to resist the right of the petitioner to get an independent electricity connection at the premises-in-question under Section 43 of the Electricity Act, 2003.

Accordingly, W.P.A. No. 10998 of 2023 is allowed, thereby directing the CESC Limited to give a new electricity connection to the petitioner from the existing

meter board position at the premises within a fortnight from date.

In the event any obstruction is raised by the private respondent no. 4 in the CESC personnel doing so, it will be open to the said personnel to approach the respondent no. 3, the Officer-in-Charge of the Sankrail Police Station, for adequate police assistance.

The respondent no. 3, if so approached, shall provide such assistance at the cost of the petitioner by acting on a server copy of this order.

If need be, the police personnel shall be at liberty to remove any padlock, if put up by the private respondent no. 4 to resist the CESC personnel from having access to the existing meter board position, for the limited purpose of giving 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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)