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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13232 of 2023

Smt. Dipali Hait
Vs.
CESC Ltd. & Ors.

Mr. Subhashis Saha,
Mr. Mainak Chatterjee,
Ms. Stela Sen
...for the petitioner

Mr. Somnath Bose
...for the CESC Limited

Mr. S.S. Koley,
Mr. Amit Kumar Ghosh
...for the respondent no. 4

Learned counsel appearing for the petitioner contends that the petitioner is not getting a new electricity connection due to the obstruction raised by the land owner, that is, respondent no. 4 herein.

Learned counsel appearing for the Calcutta Electric Supply Corporation Limited (CESC Limited) submits that the CESC Limited went for inspection to give a commercial connection to the petitioner but was obstructed by the respondent no. 4 and his men and agents.

Learned counsel appearing for the respondent no. 4 contends that the petitioner is in forcible occupation of a portion of the verandah of the private respondent and is not a lawful occupant.

That apart, learned counsel for the private respondent hands over a copy of a purported objection, allegedly signed by the people of the neighborhood, written to the President/Secretary of the Local Colony Committee, making certain allegations against the petitioner. The tenor of the allegations disclosed in the purported complaint pertain to certain alleged anti-social activities of the petitioner.

However, the petitioner has also lodged a criminal complaint against the private respondent. The private respondent herein has filed an eviction suit against the petitioner as well. Hence, there are allegations and counter-allegations between the parties. However, the mere complaint, purportedly having been written by certain people of the neighbourhood to the Local Colony Committee, cannot be a deterrent, by itself, to the petitioner exercising the petitioner's right to get electricity connection at the premises.

Accordingly, W.P.A. No. 13232 of 2023 is allowed, thereby directing the CESC Limited to hold an inspection for the purpose of assessing the feasibility of giving an electricity connection to the petitioner at the premises-in-question.

If otherwise feasible, the CESC Limited shall give such connection to the petitioner in

accordance with law, subject to compliance of all formalities by the petitioner.

Such inspection shall be held by the CESC Limited within a week from date. In the event the feasibility issue goes in favour of the petitioner, the CESC Limited shall, at the earliest thereafter, raise a quotation, upon which the petitioner shall comply with necessary formalities for getting such connection.

Upon the petitioner complying with such formalities, the CESC Limited shall give the electricity connection to the petitioner within a week from such compliance.

Either at the time of holding the first inspection or at the time of giving electricity connection, if the CESC Limited personnel are obstructed by the respondent no. 4 or his men and agents in giving such connection, it will be open to the CESC personnel to approach the respondent no. 3, the Officer-in-Charge of the Lake Town Police Station, who will act on a server copy of this order and provide adequate police assistance to the CESC personnel for such purpose on both occasions, at the cost of the petitioner.

If any padlock or other hindrance is put up by the respondent no. 4 or his men and agents to prevent the CESC personnel from having access to

the location of the proposed meter room, it will be open to the police personnel to break open the padlock or remove the hindrance for the limited purpose for giving access to the CESC personnel for the purpose of compliance of this order.

However, it is made clear that nothing in this order and/or the electricity connection, if given to the petitioner, shall create any special right or equity in favour of the petitioner and such connection shall be without prejudice to the rights and contentions of the petitioner and the private respondent in all pending proceedings between them.

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.)