

D/L. 2 to 4.
July 20, 2023.
MNS.

WPA No. 14924 of 2023
Premji Mahato
Vs.
State of West Bengal and others
With
WPA No. 14944 of 2023
Purnadeb Shah and another
Vs.
State of West Bengal and others
With
WPA No. 14962 of 2023
Durga Mahato
Vs.
State of West Bengal and others

Mr. Dyutiman Banerjee,
Mr. Arnab Sinha,
Mr. Amartya Basu

... for the petitioners
in all the matters.

Mr. Debanjan Mukherji

...for the CESC Limited
in all the matters.

Mr. Rudrajit Sarkar

...for the State in WPA 14924 of 2023.

Mr. Mansoor Alam,
Mr. Tapas Manna

...for the State in WPA 14944 of 2023.

Mr. Priyankar Saha,
Mr. Debangshu Dinda

...for the State in WPA 14962 of 2023.

The three matters are taken up for hearing
in view of the identity of the causes of action.

The petitioners in all the matters are the respective tenants in respect of the disputed premises, whereas the private respondent in all the matters is the landlady.

The petitioners seek independent electricity connections in their names. The CESC Limited is agreeable to give such connection from the existing meter board position, upon replacement of the meter box with a new panel board, as disclosed in the report of the CESC Limited.

It is also evident from the report that, at the time of joint inspection, the landlady raised objection to such new connections at the existing meter board position and has prayed for shifting of the existing service line and meters to an alternative location, which is not a technically suitable position according to the CESC Limited.

Today, when the matters are taken up for hearing, none appears for the private respondent.

It is well settled that an occupant is entitled to get electricity connection, if otherwise technically feasible, under Section 43 of the Electricity Act, 2003 (2003 Act).

In these cases, irrespective of the consent or otherwise of the landlady, the occupiers have

the right to get electricity connections in their names.

Since the CESC Limited is of the opinion that the same is possible, subject to the modification in the meter box, as suggested, there cannot be any further impediment to give such connections.

Accordingly, WPA No. 14924 of 2023, WPA No. 14944 of 2023 and WPA No. 14962 of 2023 are allowed, thereby directing the CESC Limited to give electricity connections to the petitioners in their names, at the existing meter board position of the premises, expeditiously, upon compliance of all formalities by the petitioners.

If any modification is required to the existing meter box, it will be open to the CESC Limited personnel to undertake the same.

In the event the CESC Limited personnel are prevented from doing so by the private respondent and/or her men and agents, it will be open to the CESC Limited personnel to approach the respondent no. 6, that is, the Officer-in-Charge, Kasba Police Station, in all the matters, for adequate police assistance in that regard, which will be given by the respondent no. 6 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.

If need be, it will be open to the police personnel to remove any padlock, which may be affixed to obstruct the CESC Limited personnel from giving such connections.

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.)