

13
11.10.2023
mb

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 15719 of 2023

Gayatri Chakraborty
Vs.
Calcutta Electric Supply
Corporation Limited & Ors.

Mr. Shubham Gupta,
Mr. Tanmoy Kumar Dey,
Ms. Nayonika Chakraborty
.... for the petitioner

Mr. Suman Ghosh
.... for the CESC

Mr. Satyam Mukherjee,
Ms. Sayani Ahmed,
Mr. Purnendu Shekhar Ghosh
...for the private respondents

1. Learned counsel appearing for the petitioner contends that the petitioner is a lessee in respect of the premises-in-question.

2. However, due to resistance by the private respondents, the new electricity connection sought by the petitioner could not be given by the CESC Limited (Calcutta Electric Supply Corporation Limited).

3. Learned counsel appearing for the CESC Limited submits that the CESC Limited could not hold an inspection due to resistance by the

private respondents and, as such, the feasibility of giving such new connection could not be ascertained.

4. Leaned counsel appearing for the private respondents submits that the petitioner has suppressed previous occasions when the petitioner's application for new electricity connection was refused by the CESC Limited on the ground of apprehended splitting of load as per Regulation 14 of the 2013 Regulations.

5. The ground on which the private respondents seek to oppose the petitioner's application is not tenable. The very fact that the private respondents point out the petitioner's previous rejection to oppose the new connection to the petitioner shows that all might not be well between the petitioner and the private respondents, who are tenant and landlords between each other.

6. Since the CESC Limited could not hold an inspection till date, it would only be appropriate if the CESC Limited holds an inspection and ascertains the feasibility issues. However, the said fact cannot deter the right of the petitioner to get an electricity connection at the premises in view of the ground of splitting of load not

being available to the CESC Limited, since the private respondents are patently not in favour of the petitioner getting electricity connection and the rift between them rules out collusion and, consequentially, splitting of load between themselves.

7. Accordingly, W.P.A. No. 15719 of 2023 is disposed of by directing the CESC Limited to hold an inspection within a week from date upon prior notice to the petitioner and the private respondents for the purpose of ascertaining the feasibility and the location for giving the electricity connection to the petitioner.

8. Thereafter, the CESC Limited shall issue an offer letter to the petitioner indicating the proper estimate in that regard. It is made clear that the CESC Limited shall not refuse to give such connection on the ground of splitting of load in view of the above discussions.

9. Upon the petitioner complying with due formalities, the CESC Limited shall give such connection to the petitioner, preferably within two weeks from compliance of such formalities.

10. On any of the occasions, either at the time of inspection or giving electricity connection to the petitioner, in the event the CESC personnel

is obstructed by the private respondents and/or their men and agents, it will be open to the CESC personnel to approach the local police station for adequate police assistance, which will be given by the Officer-in-Charge/Inspector-in-Charge of the said police station at the cost of the petitioner. On both the occasions, if necessary, the police personnel will be at liberty to remove any padlock or other hindrances put up by the private respondents for the purpose of compliance of this order.

11. It is made clear that nothing in this order or the electricity connection as and when given to the petitioner, shall create any special right or equity in favour of the petitioner, which the petitioner does not otherwise have in law and shall not prejudice the rights and contentions of the parties in the pending civil suit between the parties.

12. There will be no order as to costs.

13. 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.)