

D/L. 8.
July 24, 2023.
MNS.

WPA No. 15862 of 2023

Jishu Mondal
Vs.
The State of West Bengal and others

Mr. Subhojit Saha,
Ms. Shirshania Roy

...for the petitioner.

Mr. Sujoy Mondal,
Mr. Debangshu Bandhu

...for the State.

Mr. Sreemoyee Mitra

...for the CESC Limited.

Mr. Sanjoy Mukherjee,
Mr. Dhananjay Nayak

...for the private respondents.

Learned counsel for the petitioner submits that the petitioner was granted a licence to reside at the premises by the erstwhile consumer of electricity. The said consumer having died in the meantime, the electricity connection has been disconnected by the CESC Limited at the behest of the private respondents.

It is further submitted that the private respondents have already filed an eviction suit against the petitioner, by treating the petitioner as

a trespasser. Since the petitioner is admittedly in occupation of the property, it is submitted that the petitioner sought for a new electricity connection in the petitioner's name, which has not yet been given by the CESC Limited on the premise that the petitioner is required to produce a certified site plan, deeds/partition deeds, Municipal tax receipt and ownership documents, which are not with the petitioner.

However, the petitioner, it is submitted, is ready to furnish Aadhaar Card and other proof of possession of the petitioner at the premises. It is further submitted that those documents of possession have already been furnished with the CESC Limited.

Learned counsel for the CESC Limited submits that it would be appropriate and in due compliance of the technical requirement, if a connection is given to the petitioner from the existing meter board position at the premises.

Learned counsel for the private respondents contends that although the private respondents are not, in principle, against the petitioner enjoying electricity, the same cannot create any special right or equity in favour of the petitioner and has to be subject to the eviction

suit, which is pending at the behest of the private respondents.

Heard learned counsel for the parties.

Although there is a dispute between the petitioner and the private respondents regarding whether the petitioner has appeared and filed the petitioner's written statement in the suit initiated by the private respondents, the said dispute is not germane in the present proceeding.

As rightly pointed out by the petitioner, the petitioner has the right, as an occupant, to have electricity connection under Section 43 of the Electricity Act, 2003.

Accordingly, WPA No. 15862 of 2023 is disposed of by directing the CESC Limited to give the electricity connection from the existing meter board position at the premises-in-question, subject to the petitioner having complied with all formalities, within a fortnight from date and/or from such compliance of formalities, whichever is later.

It is made clear that, as and when such connection is given, the same will be without prejudice to the rights and contentions of the parties in the pending civil suit between the petitioner and the private respondents.

Moreover, such connection shall not create any special right or equity in favour of the petitioner, which the petitioner does not otherwise have in law.

In the event any obstruction is raised by the private respondents and/or their men and agents at the time of giving such connection, it will be open to the CESC Limited personnel to approach the concerned local police station for adequate police assistance. If so approached, the Officer-in-Charge/Inspector-in-Charge of the police station shall grant such assistance by acting on a server copy of this order, without insisting upon prior production of a certified copy thereof, at the cost of the petitioner, in the process removing any padlock, if put up by the private respondents.

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.)