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25.07.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 15899 of 2023

Diwanti Devi
Vs.
CESC Limited & Ors.

Mr. Niranjay Kumar Singh
...for the petitioner

Mr. Somnath Bose
...for the CESC Limited

A copy of an order passed in W.P.A. No. 6674 of 2022, which was filed at the instance of one Rubi Das, in respect of the same premises as the present, is handed over by learned counsel for the petitioner. Such server copy indicates that the said writ petition was disposed of on November 11, 2022 upon recording that the CESC Limited had already shifted the electricity meter, which was the subject-matter of the said *lis*, after ascertaining that there was a feasible alternative location for doing so.

Hence, it transpires that the dispute raised by the said Rubi Das had already been resolved and cannot come in the way of the present petitioner,

who is also an occupant of the property-in-question, to seek electricity.

A point was raised that a portion of the building was illegal, for which a demolition was going to be undertaken by the Howrah Municipal Corporation. However, since there is nothing on record to indicate that the portion where the petitioner is asking for electricity connection falls within the purview of the intended demolition, the petitioner is entitled under Section 43 of the Electricity Act, 2003 to get an electricity connection.

The report filed by the CESC Limited today also indicates that it is technically feasible to accommodate another meter in favour of the petitioner at the existing meter board room, upon compliance of all formalities. It is further indicated in the report that, however, for safety of the premises, the meter board room is required to be covered.

In such view of the matter, W.P.A. No. 15899 of 2023 is allowed, thereby directing the CESC Limited to give a new electricity connection to the petitioner at the existing meter board position at the premises-in-question within a week, from date

or from compliance of all formalities by the petitioner, whichever is later.

The petitioner, in the meantime, shall take steps to ensure that the meter board room is adequately covered, in order to satisfy the safety requirement of the CESC Limited.

It is, however, made clear that the direction to give electricity connection is independent and irrespective of the direction on the petitioner to cover the meter board room.

However, in the event the said direction on the petitioner is not complied with, it will be open to the CESC Limited to take appropriate steps in accordance with law to ensure that such safety measures are put in place by the occupants of the premises.

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.)