

13.09.2023  
PB  
Sl. No.21.

WPA 16397 of 2023

Smt. Sudipta Dutta  
Vs  
M/s.CESC Limited & Ors.

Mr. Sarbananda Sanyal,  
Ms. Paulami Chakraborty.  
... For the petitioner.  
Mr. Debanjan Mukherjee.  
.....For the CESC.  
Mr. Rachit Lakshwani,  
Mr. D. Halder.  
.....for the respondent no.5.

Heard learned advocates appearing for the parties including electricity authority and the private respondents.

Main grievance of the petitioner in this writ petition and relief sought for is for connection of electricity to the premises of the petitioner. Petitioner submits that she has made an application for connection of electricity at the premises in question after compliance of all formalities.

Learned advocate appearing for the respondent electricity authority submits that on the application made by the petitioner for connection of electricity, the authority concerned made an attempt to visit and inspect the premises in question, but were resisted by the private respondents.

Learned advocate appearing for the private respondent submits that there is a civil suit pending between the petitioner and the private respondent which was filed by the petitioner against the private respondent who is the landlord of the premises in question making prayer for prohibiting the private respondents from evicting the petitioner without following due process of law and also not to deny her the electricity connection and essential services and supplies. According to the private respondent, the injunction petition filed by the petitioner in the said suit was dismissed and the suit is pending and as such, petitioner is not entitled to get electricity connection which was earlier being supplied by the landlord and has been disconnected by making prayer before the electricity authority.

Considering the facts and circumstances of the case as appears from record and submission of the parties, I am of the view that the electricity and water connection cannot be denied to a person even if he is occupying any premises illegally. Yes, of course, by due process of law, he can be evicted. So far as connection of electricity is concerned that has to be decided by the electricity authority. If a person makes an application in accordance with law and fulfils the criteria under the relevant provisions of Acts and

Rules and only if under the law he is not entitled, he may be denied. Learned advocate for the electricity authority submits that the application has already been made by the petitioner for the electricity connection. In such circumstances, electricity authority concerned is directed to consider such application to provide electricity connection to the petitioner after completion of all other legal formalities which are required to be observed under the law. If it is found that the petitioner has fulfilled all the criteria under the law for getting the electricity connection, she shall be provided the electricity connection and if authority faces any physical resistance by any third party, they may get police assistance at the cost of the petitioner and will be also entitled to break open the lock of the meter box if it is found locked. This order will not have any impact on the pending civil suit in question.

With this observation and direction, this writ petition being WPA 16397 of 2023 is disposed of.

**( Md. Nizamuddin, J.)**