

AD-08
Ct No.09
02.08.2023
TN

WPA No. 17774 of 2023

Mairoon Nisha
Vs.
CESC Limited and others

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder,
Ms. Neha Singh

.... for the petitioner

Mr. Uday Sankar Bhattacharya

.... for the CESC Limited

Mr. Shibaji Kumar Das

.... for the respondent no. 5

Learned counsel for the petitioner contends that due to the obstruction of the private respondents, the petitioner is not being able to get a new electricity connection, despite having applied for the same.

Learned counsel for the private respondent submits that there are already several electricity meters installed in a cramped space in the premises-in-question, which gives rise to the apprehension of fire and electrical hazards. It is submitted that such apprehension is the sole ground of objection of the private respondent.

Learned counsel for the CESC Limited submits, on instructions, that the CSEC Limited is agreeable to

give a connection to the petitioner, subject to the petitioner complying with all due formalities in law.

Since the petitioner, otherwise, has a right to get an electricity connection under Section 43 of the Electricity Act, 2003, the same cannot be interdicted unnecessarily. However, the apprehension of the safety hazards raised by the private respondents is also to be incorporated in the exercise to be done by the CESC Limited.

Accordingly, WPA No. 17774 of 2023 is disposed of by directing the CESC Limited to give a new electricity connection to the petitioner at the existing meter board position of the premises-in-question, subject to compliance of all formalities by the petitioner, within a fortnight from the date of such compliance.

While giving such connection, the CESC Limited shall take into consideration all safety and security measures, as it is duty bound to ensure in terms of the law.

In the event any obstruction is raised by the private respondents and/or their men and agents in the CESC personnel holding an inspection or giving such connection, it will be open to the said personnel to approach the respondent no. 3, the Officer-in-Charge, Ekbalpore Police Station for adequate police

assistance, which will be given by the respondent no.3, by acting on a server copy of this order, at the cost of the petitioner. If need be, for such limited purpose, the police personnel will be at liberty to break open any padlock or other hindrance, if put up to prevent the access of the CESC personnel to the location of the meter board.

The connection, as and when given, shall be without prejudice to the rights and contentions of the private parties to the writ petition in any pending suit and/or otherwise.

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.)