

AD-09
Ct No.09
06.09.2023
TN

WPA No. 18381 of 2023

Shyamali Hazra
Vs.
Calcutta Electric Supply Corporation Limited
and others

Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani
.... for the petitioner

Mr. Jayanta Kumar Dhar
.... for the CESC Limited

Mr. Ashim Kr. Ganguly,
Ms. Jyotsna Roy Mukherjee
.... for the State

Mr. Ujjal Roy
.... for the respondent no.4

- 1.** Learned counsel for the petitioner contends that the petitioner is a tenant in respect of the property-in-question and has survived a cardiac arrest. The ailing petitioner seeks an electricity connection as a tenant of the property in her own name but the same could not be given by the CESC Limited due to objection of the respondent no.4/landlord.
- 2.** Learned counsel for the Calcutta Electric Supply Corporation Limited (CESC Limited) submits that the CESC Limited went to give such connection but was prevented by the private respondent, for

which the CESC Limited personnel require police assistance to give such connection, if so directed.

- 3.** Learned counsel appearing for the respondent no.4 submits that the petitioner is incorrect in submitting that the respondent no.4 disconnected her electricity supply. It is contended that the petitioner was duty-bound due to her jural relationship with the landlord, to pay the electricity charges. In default of such payments by the petitioner herself, the electricity supply was disconnected. Learned counsel for the respondent no.4 submits that the landlord claims the dues from the petitioner.
- 4.** In the event the landlord seeks to oust the petitioner or to exact the landlord's claims of alleged dues from the tenant, the landlord has several recourses in law. However, disconnection of electricity supply of the tenant is not a legally acceptable option. In any event, the petitioner, as a tenant and occupant, is entitled to get her own electricity connection.
- 5.** Accordingly, WPA No. 18381 of 2023 is allowed, thereby directing the CESC Limited to give electricity connection to the petitioner within a fortnight from date in her own name subject to compliance of all formalities by the petitioner.

- 6.** It is made clear that if the CESC Limited personnel are obstructed in doing so, it will be open to them to approach respondent no.3, the Officer-in-Charge, Garfa Police Station who will act on a server copy of this order and give such assistance to the CESC personnel, if need be, by breaking open any padlock or other hindrance in the process, at the cost of the petitioner.
- 7.** It is, however, made clear that nothing in this order or the connection, as and when given to the petitioner, shall create any special right or equity in favour of the petitioner which she does not otherwise have in law.
- 8.** Moreover, such electricity connection shall be without prejudice to the rights of the respondent no.4/landlord to assert his claims in all regards, in the capacity of landlord, against the petitioner, before any appropriate forum.
- 9.** The report filed by the State be kept on record.
- 10.** There will be no order as to costs.
- 11.** 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.)