

A-14
Ct No.09
04.09.2023
TN

WPA No. 19158 of 2023

Asif Akhtar
Vs.
The Calcutta Electric Supply Company Limited
and others

Ms. Farnaz Nasim
.... for the petitioner

Ms. Nandini Mitra
.... for the CESC Limited

Mr. Somnath Ganguli,
Ms. Priyamvada Singh
.... for the respondent no.3

Mr. Jagannath Ganguly,
Mr. Tanmay Manna
.... for the respondent nos.4 & 5

1. Learned counsel for the petitioner contends that the petitioner sought a new electricity connection at the premises-in-question at 7/H/5, Jannagar Road, Kolkata-700017. However, due to obstruction by the private respondents, the said connection could not be given by the CESC Limited.
2. Learned counsel appearing for the CESC Limited submits that at the time of inspection, the petitioner was not present and, as such, the main switch of the electricity supply at the premises could not be identified.

3. Learned counsel for the private respondents submits that the petitioner was never in possession of the property. By placing reliance on the death certificate of the mother of the petitioner, which has been annexed at page-16 of the writ petition, it is argued that she resided at 5, Tanti Bagan Road, P.S.-Beniapukur, Kolkata-700014, which is not the premises at which the electricity connection has been sought. It is argued that the petitioner is neither the owner nor an occupant of the property where he seeks electricity connection and, by way of taking electricity, he is seeking to establish possession and title thereof.
4. Upon hearing learned counsel for the petitioner, it transpires from the documents annexed to the writ petition that the petitioner has annexed photocopies of his voters' identity card as well as Aadhaar card, which are sufficient *prima facie* proof of possession of a person in respect of a property, at least for the purpose of getting new electricity connection. In any event, Section 43 of the Electricity Act, 2003 confers a right on an occupant to get electricity connection.
5. In order to allay the apprehension of the CESC Limited, it would be required that the petitioner remains present when the CESC Limited holds

inspection for identifying the main switch and to ascertain the feasibility of giving electricity connection to the petitioner.

6. Accordingly, WPA No. 19158 of 2023 is disposed of by directing the CESC Limited to give a new electricity connection to the petitioner at the premises-in-question from the existing meter board position and for such purpose the CESC Limited shall give a prior notice to the petitioner when the CESC Limited intends to give such connection, to enable the petitioner to be present and identify the main switch for the purpose of giving such connection to the petitioner. As the CESC Limited submits that all other formalities have been complied with by the petitioner, nothing remains to be done by the petitioner apart from identifying the main switch.
7. In the event any obstruction is raised by the private respondents, the CESC Limited personnel will be at liberty to approach the respondent no.3, the Officer-in-Charge, Beniapukur Police Station, who will give adequate assistance by acting on a server copy of this order at the cost of the petitioner, in the process, if necessary, breaking open any padlock or other hindrance if set up by the private respondents, for the purpose of giving

access to the CESC Limited personnel to give electricity connection to the petitioner.

8. It is, however, made clear that the electricity connection, as and when given, shall not, *per se*, operate to create any special right or equity in favour of the petitioner and shall be without prejudice to the rights and contentions of the petitioner and the private respondents before any other legal forum where the parties may contest their respective rights regarding the property.
9. There will be no order as to costs.
10. 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.)