

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No.19179 of 2023

Saida Begum
Vs.
CESC Limited & Ors.

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder,
Ms. Neha Singh
...for the petitioner

Mr. Subrta Santra
...for the CESC Limited

1. Learned counsel appearing for the petitioner submits that the petitioner is a tenant in respect of the property but cannot get new electricity connection due to obstruction created by the private respondents/landlords.
2. Despite service, none appears for the private respondents, although the CESC Limited is represented along with the petitioner.
3. Affidavit of service filed in court today be kept on record.
4. Even without going into the question on merits as to the status of the petitioner with regard to the property, the petitioner, as an occupant, is entitled under Section 43 of the Electricity Act, 2003 to get electricity supply irrespective of the objection raised by the landlords/owners.

5. Accordingly, W.P.A. No.19179 of 2023 is allowed, directing the CESC Limited to give new electricity connection to the petitioner at the premises-in-question, subject to compliance of all formalities by the petitioners, within a fortnight from such compliance by the petitioner.
6. If obstructed by the private respondents, the CESC personnel will be at liberty to approach the respondent no. 3, that is, the Officer-in-Charge, Watgunge Police Station, who will give adequate police assistance to the CESC personnel, at the cost of the petitioner, by acting on a server copy of the order.
7. If any padlock or other hindrance is put up by the private respondents to prevent the CESC personnel in doing so, the police will be at liberty to remove such padlock or other hindrance in order to give access to the CESC personnel.
9. There will be no order as to costs.
8. 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.)