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04.09.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 19452 of 2023

Mrs. Jayanti Patra
Vs.
Calcutta Electric Supply
Corporation Limited & Ors.

Ms. Susmita Chatterjee,
Mr. Kaustav Bhattacharyya,,
Ms. Sinjini Chakraborty
...for the petitioner

Mr. Suman Ghosh
...for the CESC Limited

Mr. Tapas Adhikari,
Mr. Anis Datta Sarma
...for the respondent no. 3

1. The grievance of the petitioner, who claims to be a Homeopath doctor practising at the premises in question, is that she is not getting electricity connection due to obstruction raised by the private respondent.
2. Despite service, none appears for the private respondent. Affidavit-of-service filed in Court today be kept on record.
3. It appears that the petitioner claims to be a tenant in respect of the premises and has annexed her licence to practice as well as copies of certain rent receipts to show her possession in respect of the property. For the limited purpose of Section 43

of the Electricity Act, 2003, such proof is deemed to be sufficient to indicate that the petitioner is in settled possession of the property and, as such, is entitled to get electricity connection.

4. As the landlord/private respondent chooses not to appear despite service, the writ petition is taken up for ex parte hearing and is disposed of.

5. W.P.A. No. 19452 of 2023 is, accordingly, allowed, thereby directing the CESC Limited to give electricity connection to the petitioner within a fortnight from date and/or within a fortnight from compliance of all necessary formalities by the petitioner, whichever is later.

6. If any obstruction is raised by the private respondent in doing so, the CESC personnel will be at liberty to approach the respondent no. 3, that is, the Officer-in-Charge, Chatterjeehat Police Station for getting adequate police assistance.

7. If so approached, the respondent no. 3 shall give such assistance at the cost of the petitioner by acting on a server copy of this order and, if need be, shall break open any padlock or remove hindrance, if necessary, to give access to the CESC personnel for such limited purpose.

8. 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.)