

D/L. 24.
October 18, 2023.
MNS.

WPA No. 23760 of 2023

Subhra Bhattacharjee
Vs.
Calcutta Electric Supply Corporation
(CESC) Limited and others

Mr. Bratindra Narayan Ray,
Ms. Shetparna Ray

... for the petitioner.

Mr. Ram Chandra Guchhait

...for the CESC Limited.

Mr. Sanjay Mukherjee,
Ms. Sutapa Ghosh (Bose),
Mr. Arghadip Das

...for the private respondents.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner contends that the petitioner is a tenant in respect of premises No. 36A, K. N. Sen Road, Kolkata- 700 042. The petitioner had been enjoying electricity from the connection in the name of the landlords at premises No. 36, K. N. Sen Road, Kolkata- 700 042.
3. However, subsequently at the behest of the private respondents/landlords, the CESC Limited has severed the connection, for which

the petitioner is being deprived from running his commercial establishment. It is contended that the said electricity connection has to be restored.

4. Learned counsel for the CESC Limited submits that the CESC Limited had no option but to disconnect the connection, since the landlords/private respondents, being the consumers, applied for such disconnection. It is further submitted that there is no space to give electricity connection at Premises No. 36A, K. N. Sen Road, Kolkata- 700 042, for which electricity connection can only be given to Premises No. 36, K. N. Sen Road, Kolkata- 700 042.
5. Learned counsel appearing for the private respondents submits that the petitioner can very well apply for a fresh electricity connection in his own name.
6. It is further submitted by learned counsel for the private respondents that in the absence of any application for electricity connection at premises No. 36A, K. N. Sen Road, Kolkata- 700 042, the CESC Limited could not have any opportunity to inspect the said premises and observe that it is not possible to give

connection at Premises No. 36A, K. N. Sen Road, Kolkata- 700 042.

7. In view of the circumstances in the present case, the CESC Limited is justified in disconnecting the supply in the name of the private respondents, since such application was made by the private respondents. However, as an occupant of the property, the petitioner is entitled to electricity connection under Section 43 of the Electricity Act, 2003.
8. Hence, WPA No. 23760 of 2023 is disposed of by granting liberty to the petitioner to apply for electricity connection to be given for the purpose of running the petitioner's commercial establishment at Premises No. 36A, K. N. Sen Road, Kolkata- 700 042.
9. It is made clear that upon such application being made, the CESC Limited shall inspect the premises and ascertain whether the connection can be given at Premises No. 36A, K. N. Sen Road, Kolkata- 700 042 itself or has to be given at Premises No. 36, K. N. Sen Road, Kolkata- 700 042.
10. If it is possible to give connection for the purpose of running the commercial establishment at premises No. 36A, K. N. Sen

Road, Kolkata- 700 042, the CESC Limited shall give the same, subject to compliance of due formalities by the petitioner.

11. However, if it is found by the CESC Limited that it would not be feasible to give the connection at Premises No. 36A, K. N. Sen Road, Kolkata- 700 042, such connection shall be given for the purpose of operating the petitioner's commercial establishment at Premises No. 36A, K. N. Sen Road, Kolkata- 700 042, from the meter situated in premises No. 36, K. N. Sen Road, Kolkata- 700 042.

12. It is expected that the CESC Limited shall give such connection to the petitioner irrespective of the "no-objection" given by the private respondents at the earliest, preferably within a fortnight from the date of compliance of all formalities by the petitioner in that regard.

13. If any objection is raised in such context, it will be open to the CESC Limited personnel to approach the respondent no. 5, that is, the Officer-in-Charge, Kasba Police Station, for adequate police assistance, which will be given by the said respondent no. 5 at the cost of the petitioner by removing any hindrance, if

put up to resist the CESC Limited personnel,
for such purpose.

14. It is made clear that nothing in this order or the electricity connection shall create any special right or equity in favour of the petitioner which the petitioner otherwise does not have in law and also shall not prejudice the rights and contentions of the parties in any pending litigation before a competent court.

15. There will be no order as to costs.

16. 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.)