

22nd December,
2023
(AK)
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W.P.A. 26481 of 2023

Smt. Bhabani Das
Vs.
The CESC Limited and others

Mr. Sobhan Majumder
Ms. Kalpita Paul
...for the petitioner.

Mr. Pathik Bandhu Banerjee
...for the CESC Limited.

1. Learned counsel for the petitioner contends that the petitioner is a tenant in respect of the property-in-question where the petitioner has sought a new electricity connection.
2. However, the CESC Limited is refusing to give such connection on the pretext of pending suits between the petitioner and the private respondent.
3. Learned counsel for the CESC Limited submits that as per instruction, the CESC Limited raised a quotation. However, the petitioner has not yet complied with the same for which the connection could not be given to the petitioner.
5. A copy of the said quotation is handed over to learned counsel for the petitioner by his counterpart appearing for the CESC Limited here and now.

6. Despite service, none appears for the private respondent. Affidavit-of-service filed in court today be kept on record.

8. Since the petitioner is an occupant of the premises-in-question, which has been admitted by the private respondent by way of filing of an eviction suit against the petitioner, and as two suits are pending *inter se* between the petitioner and the private respondent, it is evident that the relationship between the petitioner and his landlord/owner of the property, that is, private respondent, is strained.

9. Hence, there cannot be any collusion between the two for the purpose of reducing the bills with regard to the premises by attempted splitting of load.

10. In such view of the matter, since the petitioner is entitled in law to get an electricity connection at the premises, WPA 26481 of 2023 is disposed of by directing the petitioner to comply with all formalities including making the required payments in terms of the quotation raised by the CESC Limited within a week from date.

11. Upon such formalities being complied with, the CESC Limited shall give such connection to the petitioner within a fortnight thereafter.

12. In the event any obstruction is raised by the respondent no.4 and/or his men and agents, it will be open to the CESC personnel to approach the local police station for adequate police assistance.

13. If so approached, the Officer-in-Charge/Inspector-in-Charge, as applicable, of the local police station shall give adequate assistance to the CESC personnel at the cost of the petitioner to give electricity connection to the petitioner.

14. In the event any padlock is affixed or other obstruction is raised to hinder the CESC personnel from giving such connection, the police personnel will be at liberty to remove such padlock or hindrance for the limited purpose of giving access to the CESC personnel to give electricity connection to the petitioner from the existing meter board position at the premises.

15. It is, however, made clear that nothing in this order shall create any special right or equity in favour of the petitioner and the electricity connection, as and when given, shall be without prejudice to the rights and contentions of the petitioner and the private respondent in the pending civil suits between the parties.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)