

ORDER

OD – 2

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1600/2023

ASHOK KUMAR AGARWAL
VERSUS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

THE HON'BLE JUSTICE JAY SENGUPTA

Date : 17th October 2023.

APPEARANCE:

Ms. Anju Manot, Advocate.
..... for petitioner.

Ms. Priyamvada Singh, Advocate
..... for State of W.B.

Mr. Ayan Kr. Boral, Advocate
Ms. Saswati Sengupta, Advocate
..... for respondent no.3.

The Court:- Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a tenant at the premises purportedly belonging to the respondent no.3. By an order dated 13.12.2022 passed by this Court in WPO 164 of 2021, the CESC Limited was directed to give electricity connection to the petitioner at the premises at the existing meter board position positively within a fortnight. Since the same was initially not complied with, a contempt application had to be filed. Afterwards, the order was complied with and the CESC Limited provided

electricity connection to the petitioner's premises. However, the respondent no.3 is preventing the petitioner from having a line connected from that meter to the petitioner's premises. The respondent no.3 does not have any right to do so. In fact, in the face of the order passed by a coordinate bench of this Court, it amounts to an act of contempt.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the petition are denied. The respondent no.3 has never prevented the petitioner from taking the line from the electricity meter to his premises. In case for any reason the same has not been done or could not be done, the respondent no.3 shall facilitate such act of the petitioner in bringing the line from the electricity meter provided by the CESC Limited to the petitioner's premises.

Let the same be done with a 12 hours notice given by the petitioner to the respondent no.3 in this regard.

The police authorities shall also be notified when the connection would be drawn with a 12 hours notice. To this effect, let the petitioner intimate the Officer in Charge of Ekbalpur Police Station about the date and time on which such electricity connection would be drawn.

When the event takes place, the police personnel deputed by the Officer in Charge of the Police Station shall stand guard and send a report to the Officer in Charge.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(JAY SENGUPTA, J.)

s.kumar