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06.03.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No.261 of 2024

Md. Riyazuddin
Vs.
CESC Limited & Ors.

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

Dr. Madhusudan Saha Roy
...for the CESC Limited

1. Affidavit-of-service filed in Court today be kept on record.
2. It transpires that the intended service on the added respondent no. 4/private respondent has returned with the endorsement "Insufficient Address" on the envelope.
3. Learned counsel for the petitioner submits that the address given was as per information obtained from the Calcutta Electric Supply Corporation Limited (CESC Limited). Learned counsel for the CESC Limited submits that the address given was as per the records of the CESC Limited.
4. On query of court, learned counsel for the CESC Limited submits that no written objection was given at any point of time by the private respondent no. 4, but verbal objection and obstruction was created.

5. The CESC Limited is otherwise agreeable to give electricity connection to the petitioner, subject to compliance of all formalities and police assistance.

6. Since the petitioner has made out a prima facie case of being in occupation of the property, the petitioner is entitled to get electricity connection under Section 43 of the Electricity Act, 2003, at the property in his name.

7. Accordingly, W.P.A. No.261 of 2024 is allowed, thereby directing the CESC Limited to give electricity connection to the petitioner by way of a loop meter or as otherwise convenient, from the existing meter board position at the premises, subject to compliance of all formalities by the petitioner, preferably within a fortnight from the date of such compliance by the petitioner or from this day, whichever is later.

8. If any resistance is offered by the private respondent and/or his men and agents, the CESC Limited will be at liberty to approach the respondent no. 3, that is, the Officer-in-Charge of Golabari Police Station, for adequate police assistance, which will be given by the respondent no. 3 by acting on the server copy of this order, coupled with the written communications of the learned advocates for the petitioner/CESC Limited, at the cost of the petitioner.

9. If any obstacle or hindrance is put up to prevent the CESC personnel from doing so, it will be open to the police personnel to remove such obstruction for the purpose of giving access to the CESC personnel.

10. There will be no order as to costs.

11. 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.)