

25th January,
2024
(AK)
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W.P.A 1129 of 2024

Babita Mitra
Vs.
The Calcutta Electric Supply Corporation Limited and
others

Ms. Shebatee Datta
Ms. Poulami Roy

...for the petitioners.

Ms. Nandini Mitra

...for the CESC Limited.

1. The affidavit-of-service filed in court today be kept on record.
2. It is pointed out by learned counsel for the petitioner that the attempted service on private respondent no.4 has returned with the endorsement "deceased".
3. Since the objector himself has met his demise, there is no scope of further impediment in the electricity being granted to the petitioner.
4. The brief facts of the case are that the petitioner applied for electricity connection. The CESC Limited held an inspection to ascertain feasibility but could not have access to the meter board position due to objection raised by the respondent no.4 since deceased.
5. As the petitioner, being an occupant, has a right under Section 43 of the Electricity Act, 2003 to get independent electricity connection, such right must

be vindicated by giving electricity connection to the petitioner subject to compliance of all formalities.

6. Accordingly, WPA 1129 of 2024 is allowed, thereby directing the CESC Limited to give electricity connection to the petitioner at the concerned premises subject to the petitioner complying with all due formalities, within one week from the date of compliance of formalities or this order, whichever is later.
7. At the juncture of giving such connection from the existing meter board position, in the event any obstruction is faced by the CESC personnel from any quarter, it will be open to the CESC personnel to approach respondent no.3, the Officer-in-Charge of the Jagachha Police Station for adequate police assistance.
8. If so approached, such assistance shall be given by respondent no.3 at the cost of the petitioner, by acting on the server copy of this order, if necessary by removing any padlock or other hindrance while doing so.
9. 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.)