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29.02.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 1644 of 2024

Aktar Halder alias
Aktar Ali Mollah
Vs.
District Engineer, CESC Limited & Ors.

Mr. Gaisul Islam
...for the petitioner

Mr. Debanjan Mukherjee
...for the CESC Limited

Ms. Sonal Sinha,,
Mr. Avishek Prasad
...for the State

1. Affidavit-of-service filed in Court today be kept on record.
2. Despite service, none appears for the private respondent, although the other parties are represented through counsel.
3. The petitioner's grievance is that the petitioner applied for a new electricity service connection, which was not given by the CESC Limited.
4. Learned counsel for the CESC Limited submits that previously the petitioner had applied for a metered connection from a different address. Upon the CESC Limited raising an offer letter, the same was not complied with, for which the connection could not be given to the petitioner. However, a

fresh application has been made for service connection now from a separate address. The CESC Limited has held an inspection and ascertained feasibility of giving such connection but could not do so due to resistance by respondent no. 4 and his men and agents.

5. The previous chapter regarding metered connection is not germane for the present issue. The only thing which matters is that the petitioner has complied with formalities but the service connection, as per his present application, could not be given due to the resistance by the private respondent no. 4 and his men and agents.

6. The petitioner, being an occupant of the premises in question even as per the notion of the CESC Limited, the petitioner has to be given such connection by the Distribution Licensee under Section 43 of the Electricity Act, 2003.

7. Accordingly, W.P.A. No. 1644 of 2024 is disposed of by directing the CESC Limited to give a new electricity service connection to the petitioner within three weeks from date as per the application of the petitioner.

8. If any obstruction is raised by respondent no. 4 and/or his men and agents in doing so, it will be open to the CESC Limited to approach the respondent no. 3, that is, the Officer-in-Charge,

Maheshtala Police Station for police assistance, who shall give such assistance immediately, at the cost of the petitioner, by acting on a server copy of this order without insisting upon prior production of a certified copy thereof.

9. In the process, if necessary, the respondent no. 3 will be at liberty to remove any padlock or other hindrance to give access to the CESC personnel for the compliance of this order.

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.