

A-4&5
Ct No.09
05.02.2024
TN

WPA No. 24277 of 2023

Sushil Pathak
Vs.
CESC Limited and others

With
WPA No. 4001 of 2020

Sushil Pathak
Vs.
CESC Limited and another

Mr. Sankar Nath Mukherjee,
Mr. Niraj Gupta

.... for the petitioner

Mr. Subrata Santra

.... for the CESC Limited

- 1.** The two writ petitions are taken up for hearing together.
- 2.** In the first writ petition, the petitioner and his wife have come up against refusal on the part of the CESC Limited to give electricity connection to the wife. Such refusal was, as per the communication of the CESC Limited dated September 04, 2019, primarily on the basis that there is an existing connection at the premises and there was an intention on the part of the applicant of splitting of load.

- 3.** The subsequent writ petition is on the refusal of the husband's application for electricity connection.
- 4.** Learned counsel for the CESC Limited hands over two documents.
- 5.** The first document is an objection in writing given by one Arun Sharma to the South District Engineer of the CESC Limited raising objection on the ground that some new person of his residence was trying to bring new meter at the residence.
- 6.** The next document handed over on behalf of the CESC Limited is a communication by the District Engineer, Calcutta South District of the CESC Limited to the said Arun Sharma dated September 07, 2023. In the said communication, the District Engineer sought from Arun Sharma, upon acknowledging receipt of the letter of the said Arun Sharma, documentary evidence for the verification of the CESC Limited in support of the objection of Arun Sharma.
- 7.** Learned counsel for the CESC Limited is also armed with a document to indicate that the objection of Arun Sharma was also intimated to the present petitioner.

- 8.** Be that as it may, it is submitted on the query of court by the CESC Limited that after the CESC Limited sought documents from Arun Sharma, nothing came from the end of Arun Sharma. As such, there is nothing on record to substantiate the objection of the said Arun Sharma.
- 9.** Hence, there is no plausible reason why the petitioner and his wife, if they are in occupation of the premises, should be deprived of electricity on any of the grounds taken by the CESC Limited. However, since CESC Limited submits that they could not hold any inspection even for the purpose of ascertaining the feasibility of giving connection to the petitioner or his wife, it would be only appropriate that the CESC Limited is given such permission.
- 10.** Accordingly, WPA No. 24277 of 2023 along with WPA No. 4001 of 2020 are disposed of by directing the CESC Limited to hold an inspection at the premises-in-question to ascertain whether the electricity connection can be given at the said premises in the name of Sushil Pathak, the writ petitioner in WPA No. 24277 of 2023.
- 11.** At the time of such inspection, if any obstruction is raised from any quarter, it will be open to the CESC Limited personnel to approach the

respondent no.3 in WPA No. 24277 of 2023, that is, the Officer-in-Charge, Kasba Police Station for adequate police assistance, the cost of which shall be borne by the petitioner. The Police will be entitled to break open any padlock or other hindrance, if need be, to give access to the CESC Limited personnel to ascertain such feasibility.

- 12.** Upon such ascertainment being made, in the event the CESC is of the opinion that there is no other impediment to give electricity connection to the petitioner, the CESC Limited shall raise an offer letter.
- 13.** On compliance of all formalities by the petitioner in that regard, electricity connection shall be given to the petitioner. Even at that juncture, if any resistance is faced by the CESC personnel from any quarter, it will be open to the CESC personnel to similarly approach the respondent no.3 in WPA No. 24277 of 2023, that is, the Officer-in-Charge, Kasba Police Station who shall give adequate police assistance at the cost of the petitioner, if necessary removing any hindrance or padlock or other impediment even at that juncture to give free access to the CESC personnel to give such connection.

- 14.** Such inspection as directed above shall be concluded within a fortnight from date. Upon such inspection, if the CESC Limited is of the opinion that there is no impediment otherwise to give such connection to the petitioner in WPA No. 24277 of 2023, the CESC Limited shall raise an offer letter within a week thereafter.
- 15.** Upon compliance of all formalities by the petitioner, the CESC Limited shall, within a further fortnight, give the connection to the petitioner from the existing service position.
- 16.** The said timeline will be subject, however, to the directions given above.
- 17.** The documents handed over in court today by the CESC Limited be kept on record.
- 18.** There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)