

AD-27
Ct No.09
09.04.2024
TN

WPA No. 6900 of 2024

Jhuma Mondal
Vs.
CESC Limited and others

Ms. Anjana Sengupta,
Mr. Durya Chowdhury,
Mr. Satyadeep Sarkar

.... for the petitioner

Mr. Debanjan Mukherji

.... for the CESC Limited

- 1.** The petitioner submits that the petitioner is a licensee under respondent no.4 in respect of the subject premises. The petitioner offered to purchase the property and an agreement was entered into with the respondent no.4. The petitioner, pursuant to the same, has also paid a substantial amount of money to the respondent no.4. Subsequently the respondent no.5, who may be an owner of a different portion of the property having no business to resist, is raising objections to the electricity connection being given to the petitioner.
- 2.** It transpires from the affidavit-of-service that although the respondent no.5, the primary objector according to the petitioner, has been served, the service sought to be effected on the respondent no.4 has not been completed.
- 3.** However, since the envelope sent to the respondent no.4 has returned with the endorsement "left", in any event,

there is no scope of the respondent no.4 raising any physical obstruction to the electricity connection.

- 4.** Learned counsel for the CESC Limited submits that as per his instructions, the respondent no.4 has sold his portion of the property to the respondent no.5.
- 5.** Be that as it may, the fact remains that the petitioner is in settled occupation of the property irrespective of the title having passed or not in favour of the respondent no.5. Thus, within the contemplation of Section 43 of Electricity Act, 2003, the petitioner is entitled to have an independent electricity connection in her own name.
- 6.** Accordingly, WPA No. 6900 of 2024 is allowed on contest, thereby directing the CESC Limited to give the electricity connection to the petitioner within a fortnight from date.
- 7.** If any obstruction is raised by any of the private respondents and/or their men and agents, the CESC personnel will be at liberty to approach the respondent no.3, that is, the Officer-in-Charge, New Alipore Police Station who shall act on a server copy of this order and grant adequate assistance to the CESC personnel at the cost of the petitioner, if necessary removing any padlock or other hindrance to have access to the existing meter board position. Such connection shall be given by way of a metered connection from the existing service position at the premises-in-question.
- 8.** There will be no order as to costs.

9. 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.)