

D/L.16.
April 23, 2024.
MNS.

WPA No. 9471 of 2024

Bijay Prakash Shaw and others
Vs.
CESC Limited and others

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder

... for the petitioner.

Mr. Suman Ghosh

...for the CESC Limited.

Mr. Parashar Baidya,
Ms. Sanjana Basu

...for the private respondent no. 4.

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioners claim to be tenants in respect of the subject property and seek electricity connection which, according to the petitioners, cannot be given by the CESC Limited due to obstruction created by the private respondent.
3. Learned counsel for the CESC Limited submits that even inspections could not be held since the meter room was blocked.
4. Learned counsel for the private respondent-landlady raises a question as to how the petitioners were living in the property for almost ten years since a rent receipt of August, 2015 has been annexed to the writ petition. According to the petitioners, it is not

credible that the petitioners have been living without electricity for so long, the obvious inference being that the petitioners were using electricity in an unauthorised manner all along.

5. It is contended that only after the landlady issued an eviction notice to the petitioners did the petitioners, to create some sort of evidence, applied for electricity connection.
6. Be that as it may, the law as embodied in Section 43 of the Electricity Act, 2003 (2003 Act) is very specific that anybody in settled possession of a property is entitled to get electricity connection in the capacity of an occupier, irrespective of the lawfulness of such occupation.
7. In the event the private respondent/landlady is of the perception that the petitioners have been using electricity in an unauthorised manner, it is open to the landlady to make a complaint and pursue the same before the Distribution Licensee. However, such allegations are irrelevant for the present purpose.
8. It having been held above that the petitioners are entitled to get electricity in the capacity of occupants, it is the incumbent duty of the Distribution Licensee to give such connection,

which was thwarted due to obstruction by the private respondent-landlady.

9. Accordingly, WPA No. 9471 of 2024 is allowed on contest, thereby directing the CESC Limited to hold an inspection at the premises to ascertain the feasibility of giving electricity connection to the petitioners in their names at the existing meter board position of the premises. Such inspection shall be held within a week from date. Upon such inspection, if found feasible, the CESC Limited shall, within three days thereafter, raise an offer letter. Upon the petitioners complying with the formalities, electricity connection shall be given to the petitioners by the CESC Limited within a further fortnight from such compliance.

10. On either of the occasions, that is, at the time of inspection and giving electricity connection, if any hindrance is put up or obstruction is raised or padlock is affixed by the private respondent and/or her men and agents, it will be open to the CESC Limited to approach the respondent no. 3, that is, the Officer-in-Charge, Golabari Police Station, for police assistance, which will be granted by the respondent no. 3 by acting on a server copy of this order at the cost of the petitioners,

removing all hindrances, if any, in the process, to assist the CESC Limited in holding such inspection and giving such electricity connection to the petitioners.

11. It is made clear that nothing in this order and/or the electricity connection, as and when given, shall confer any special right or equity in favour of the petitioners which the petitioners do not have otherwise in law.

12. There will be no order as to costs.

13. 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.)