

16.07.2024
Court No.09
Item no.24
CP

WPA No. 11302 of 2024

Raja Karmakar
vs.
CESC Limited & ors.

Mr. Bidyut Kr. Halder
Mr. Indranil Halder

.....for the petitioner.

Mr. Debanjan Mukherjee

.....for the CESC Limited.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the respondent no. 4.

The respondent no. 4 is allegedly the aunt of the petitioner. According to the petitioner, the property is an undivided joint property. The CESC Limited was approached, but connection was not granted.

Learned advocate for the CESC Limited submits that resistance from the respondent no. 4 was faced by the authority. Moreover, the condition of the meter board position could not be ascertained. The same was under lock and key when the inspection was first held.

If the property is undivided, every co-sharer has a right over every inch of the same. The petitioner has a right to enjoy connection if the

petitioner can show distinct and separate use of a part of the property in question. As there are already two meters in the property, the CESC Limited will also ensure safety and security while supplying electricity to the petitioner, if the petitioner satisfies all other requirements and complies with the formalities. Proof of separate user and/or portion will be necessary in order avoid the issue of splitting of load.

The CESC authority will ensure compliance of this order within a period of two months from the date of communication of this order. Necessary police help shall also be granted, at the cost of the petitioner.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)