

Court No. 9
(265711)

WPA 12206 of 2024

02.09.2024

(A 89)

(S. Banerjee)

Sandhya Mondal

Vs.

Calcutta Electricity Supply Corporation & Ors.

Mr. Pawan Kumar Gupta

Mr. Vijay Kumar Verma

Ms. Safia Nesar

Mr. Santanu Sett

Mr. Abhijit Bose

...for the petitioner

Ms. Sipra Mazumder

Ms. Prativa Ghatak

...for the State

Despite service, none appears on behalf of respondent nos. 4 and 5. Although the said respondents and their agents were present at the site to resist the CESC authorities from causing the inspection pursuant to the direction of this Court, several women gathered around the shops to resist the CESC authorities from even accessing the meter board position. The petitioner prayed for grant of new connection in respect of a shop room. She is allegedly possessing the shop as a tenant. An eviction suit is pending against the petitioner at the instance of the respondent nos. 4 and 5.

Even if the petitioner's status as a tenant is not accepted by the landlords, the fact that the petitioner is in possession is evident from the plaint.

Under such circumstances, if the CESC authorities find that the petitioner is in possession of the shop room in any capacity, electricity must be supplied. Such connection shall be subject to any order that may be passed by the civil Court and such connection shall not create any equity in favour of the petitioner or any person in occupation of the premises.

The report indicates that the conduct of the respondent nos. 4 and 5 are highly deplorable. They did not appear before this Court on the first day or even today. The report of the District Engineer, Howrah Rurals that respondent nos. 4 and 5, along with their men and agents (mostly women), were present at site, but refused to accept the notice of inspection which had returned unserved. The existence of Sandhya Stores is available in the report. The physical resistance and gathering of people to obstruct the CESC authorities from performing their official duties, cannot be appreciated. The owners of the property cannot deprive the tenant /occupier from the grant of electricity until there is a specific

order of eviction by a civil Court. The suit has already been filed.

The CESC authorities will grant electricity connection within a period of two months from the date of communication of this order. The petitioner will bear the police assistance cost and the Belur Police Station shall provide all necessary assistance including posting of police officers and lady officers at the site. The connection shall be from the same meter board position. No one can be deprived of electricity.

With the above direction, the writ petition stands disposed of. All parties to get on a server copy of this order.

The report filed by the CESC authorities is kept on record.

(Shampa Sarkar)