

D/L. 15.
May 9, 2024.
MNS.

WPA No. 12639 of 2024

Sri Alok Das
Vs.
CESC Limited and others

Mr. Kaustav Bhattacharya,
Mr. S. Chakraborty,
Ms. Sonia Das

... for the petitioner.

Mr. Partha aSarathi Basu

...for the CESC Limited.

Mr. Debabrata Ray

...for the respondent no. 4.

1. Affidavit-of-service filed in Court today be kept on record.
2. It is pointed out by learned counsel for the private respondent that her name is Srabani Pathak and not Purnima Pathak, which has been erroneously mentioned in the cause title of the writ petition.
3. Leave is granted to the Advocate-on-record to carry out necessary correction to the cause title accordingly during the course of the day.
4. Learned counsel for the petitioner submits that the petitioner is a tenant in respect of the subject property. When the petitioner sought

for electricity connection, the same could not be given due to resistance put up by the private respondent/landlady.

5. Learned counsel for the landlady submits that due to a tenant-landlady dispute, the electricity service was disconnected.
6. However, the landlady assures the court that she will have the connection restored so that the petitioner's electricity supply is no longer disrupted.
7. Learned counsel for the CESC Limited hands over a photocopy of written objection of the landlady, which indicates that the landlady raised a strong objection to giving electricity connection to the petitioner.
8. Since there is evidently strained relation between the petitioner and the landlady, which has culminated in severance of the electricity connection of the premises, it would not be prudent to leave it to the mercy of the landlady for the petitioner to enjoy electricity connection, which is a basic right of the petitioner both by virtue of Article 21 of the Constitution of India and Section 43 of the Electricity Act, 2003.

9. In such view of the matter, WPA No. 12639 of 2024 is disposed of by directing the CESC Limited to give electricity connection to the petitioner independently from the existing meter board position at the subject premises, subject to feasibility of giving such connection.
10. For such purpose, the CESC Limited shall hold an inspection within a week from date with prior notice to the petitioner and the private respondent.
11. Upon holding such inspection, the CESC Limited, if satisfied with the feasibility, shall give such connection to the petitioner within a fortnight from compliance of all formalities by the petitioner in that regard.
12. The connection shall be given from the existing meter board position at the premises and shall not create any special right or equity in favour of the petitioner, which the petitioner does not otherwise have in law.
13. In any event any obstruction is raised by the private respondent and/or her men and agents either at the juncture of holding inspection or giving such connection to the petitioner, the CESC Limited personnel shall approach the respondent no. 3, the Officer-in-Charge,

Police Station at AJC Bose Road, B.Garden,
Howrah, for adequate police assistance.

14. The respondent no. 3, upon such approach being made, shall act on a server copy of this order and give such assistance to the CESC Limited personnel at the costs of the petitioner, if necessary removing any padlock or other hindrance, if put up to obstruct the CESC Limited personnel in doing so.

15. There will be no order as to costs.

16. 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.)

