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10.05.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 12811 of 2024

Sekh Mursed Ali
Vs.
The Calcutta Electric Supply
Corporation Limited & Ors.

Mr. Tarak Nath Sarkar,
Mr. Goutam Malik
...for the petitioner

Mr. Shoham Sanyal
...for the CESC Limited

Mr. Sutanu Karmakar
...for the respondent no. 6

Mr. Dhananjay Banerjee
...for the respondent no. 9

1. Affidavit of service filed in court today be kept on record.
2. Learned counsel for the petitioner contends that the petitioner runs a shop on the subject premises and sought new electricity connection in his name, but due to obstruction by the private respondents, the same could not be given.
3. Learned counsel appearing for the Calcutta Electric Supply Corporation Limited (CESC Limited) agrees to the submission that due to such obstruction, the CESC Limited could not give such connection.

4. Learned counsel for the CESC Limited points out to the offer letter issued by the CESC Limited to indicate that the CESC Limited has already held an inspection and raised an offer letter to the petitioner.

5. Learned counsel for the respondent no. 6 submits that the said respondent is the landlord of the petitioner and has objection since the petitioner did not take any permission from the respondent no. 6 for taking such electricity connection.

6. Learned counsel for the respondent no. 9 submits that the said respondent is the owner of the property and there is a dispute as to the title of the property between the said respondent and the respondent no. 6

7. However, it is made clear by learned counsel for the respondent no. 9 that the said respondent has no objection to electricity connection being given to the petitioner.

8. It is well-settled that irrespective of the objection of the owner, a person in settled occupation of a property is entitled to electricity connection under Section 43 of the Electricity Act, 2003.

9. Accordingly, W.P.A. No. 12811 of 2024 is allowed on contest, thereby directing the CESC Limited to give electricity connection to the

petitioner within a fortnight from date from the existing meter board position.

10. If any obstruction is raised by the private respondents and/or their men and agents, the CESC personnel will be at liberty to approach the respondent no. 5, that is, the Officer-in-Charge, Posta Police Station for police assistance, who will grant such assistance to the CESC personnel at the cost of the petitioner and remove any padlock or other hindrance if put up by the private respondents in doing so.

11. All parties shall act on the server copy of this order without insisting upon prior production of a certified copy thereof for the purpose of the compliance.

12. It is made clear that such connection, as and when given, shall not create any special right or equity in favour of the petitioner as opposed to the respondents.

13. There will be no order as to costs.

14. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)