

21
14.05.2024
Aritra

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13521 of 2024

Nakul Chandra Sardar & Anr.

Vs.

CESC Limited & Ors.

Mr. Indranil Halder

...for the petitioners

Mr. Amitava Chaudhuri

...for the CESC Limited

1. Despite service, none appears for the private respondents.
2. Affidavit of service filed today be kept on record.
3. The petitioners claim to be tenants in respect of a property where the petitioners sought an independent electricity connection.
4. Although the CESC Limited raised a quotation and the petitioners complied with the formalities, the electricity supply could not be given to the petitioners due to obstruction by the private respondents.
5. Since the private respondents, as per submission of learned counsel for the petitioners, are other tenants in the premises, they do not have any locus standi to obstruct the petitioners, who are occupants in respect of the premises, having been prima facie found so since the CESC Limited

has raised a quotation upon inspection. As such, the petitioners' right to get electricity to the premises is protected under Section 43 of the Electricity Act, 2003.

6. Accordingly, W.P.A. No. 13521 of 2024 is allowed, thereby directing the CESC Limited to give electricity connection to the petitioners at the premises in question from the existing meter board position.

7. If any obstruction is raised by the private respondents, it will be open to the CESC personnel to approach the respondent no. 3, that is, the Officer-in-Charge, Kalighat Police Station for adequate assistance, which will be given by the respondent no. 3 by acting on a server copy of this order, if necessary by removing any padlock or other hindrance to give access of the CESC personnel. Such assistance shall be given to the CESC personnel at the cost of the petitioner.

8. There will be no order as to costs.

9. Urgent certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)