

AD-28
Ct No.09
21.05.2024
TN

WPA No. 13786 of 2024

Kedar Nath Shaw
Vs.
CESC Limited and others

Mr. Indranil Halder

.... for the petitioner

Mr. Shoham Sanyal

.... for the CESC Limited

1. Despite service, none appears for the private respondent at the time of call, although the petitioner and the CESC Limited are represented through counsel.
2. Learned counsel for the petitioner submits that despite having complied with formalities, the CESC Limited could not give electricity connection to the petitioner due to resistance by the private respondent.
3. Learned counsel for the CESC Limited hands over a photocopy of a written objection given by the private respondent no. 4 wherein the private respondent has stated that he is the landlord and developing a multi-storied project on the premises-in-question and no one has ever purchased a flat from him till date.
4. Be that as it may, the said ground of objection is not valid enough to prevent the Distribution Licensee from giving an electricity connection to the petitioner, in view of the petitioner being *prima facie* in occupation of the property. Section 43 of the Electricity Act, 2003

mandates the licensee to do so and, as such, the objection of the private respondent cannot be taken into consideration.

5. Accordingly, WPA No. 13786 of 2024 is allowed on contest, thereby directing the CESC Limited to give electricity supply to the petitioner from the existing supply position at the premises-in-question within a fortnight from date.
6. In the event any obstruction is raised by the private respondent and/or his men and agents, the CESC Limited shall approach the respondent no.3, the Officer-in-Charge, M.P. Ghora Police Station for police assistance which will be given by the respondent no. 3 by acting on a server copy of this order at the cost of the petitioner, removing any padlock or other hindrance, if necessary, to give such connection to the petitioner.
7. There will be no order as to costs.
8. 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.)