

AD-29
Ct No.09
21.05.2024
TN

WPA No. 14003 of 2024

Sk. Ainul Haque
Vs.
The Calcutta Electricity Supply Corporation Limited
and others

Mr. Srijib Chakraborty,
Mr. Washim Akthir Dafader
.... for the petitioner

Mr. Suman Ghosh
.... for the CESC Limited

Mr. Wasim Ahmed,
Mr. Kinkar Kumar Bhattacharya
.... for the State

Mr. Anirban Majumder,
Mr. Abhishek Banerjee
.... for the private respondents

1. Affidavit-of-service filed today be kept on record.
2. Learned counsel for the petitioner argues that the petitioner complied with all formalities for getting electricity connection and even after at least two attempts, the CESC Limited, in spite of holding inspection, could not give the connection due to resistance by the private respondents.
3. Learned counsel for the CESC Limited corroborates such contentions and submits that all formalities have been complied with by the petitioner.
4. Learned counsel for the private respondents submits that the title and possession of the petitioner is disputed in respect of the subject property. Learned

counsel for the private respondents insists that it be recorded that the private respondents are disciples of Brajabasi Kathiya Baba and a part of the property stands in the name of a trust in the name of the said saint.

5. It is argued, by placing reliance on a document handed over in court today, that a notice for demolition of unauthorized advertisements was issued by the Kolkata Municipal Corporation in respect of the premises no. 6A. It is argued that 6B, where the electricity connection has been sought, is structurally the same as 6A.
6. However, since the CESC Limited, upon inspection, is *prima facie* satisfied regarding the petitioner being in occupation of the property, which is the only germane factor in respect of an electricity connection being given, I cannot find any reason as to why the civil dispute raised by the private respondents be taken into account for ascertainment of the right of the petitioner to get electricity connection, which is, in any event, assured under Section 43 of the Electricity Act, 2003, particularly since the CESC Limited has found the petitioner to be in possession upon inspection.
7. As all formalities have been complied with by the petitioner, irrespective of the objection of the private respondents, the petitioner is entitled to get electricity connection at the existing meter board position at the premises.

8. However, learned counsel for the CESC Limited adds that the petitioner is required to install a main switch for giving such connection.
9. Accordingly, WPA No. 14003 of 2024 is disposed of by directing the petitioner to install a main switch for the purpose of getting electricity connection. Immediately after installing such main switch, the petitioner shall intimate the CESC Limited about the same, within a fortnight of which the connection shall be given to the petitioner by the CESC Limited from the existing meter board position at the premises.
10. In the event any resistance is faced by the petitioner while installing the main switch and/or the CESC Limited while giving such connection from the end of the private respondents and/or their men and agents, it will be open to the petitioner and/or the CESC personnel to approach the respondent no.3, the Officer-in-Charge, Karaya Police Station for adequate police assistance which will be granted by the respondent no.3 by acting on a server copy of this order at the cost of the petitioner, if necessary removing any padlock or other hindrance to provide access to the CESC personnel to the existing meter board position.
11. It is made clear that nothing in this order or the electricity connection, as and when given to the petitioner, shall create any special right or equity in favour of the petitioner which the petitioner does not otherwise have in law.

12. There will be no order as to costs.
13. 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.)