

AD-08
Ct No.09
10.01.2024
TN

WPA No. 18193 of 2023

Tinku Ghanta
Vs.
The Calcutta Electricity Supply Corporation Limited
and others

Mr. Kartik Dey,
Mr. Sk. Salamuddin

.... for the petitioner

Mr. Debanjan Mukherji

.... for the CESC Limited

- 1.** The petitioner submits that she is a helpless lady having an academically meritorious daughter. However, in view of the matrimonial dispute going on between the petitioner and the respondent no.5, that is, the husband of the petitioner, the private respondents are resisting the construction of a new meter board shed for the purpose of getting electricity connection.
- 2.** When the petitioner applied for a new electricity connection, the Calcutta Electricity Supply Corporation Limited (CESC Limited) expressed its inability in view of the resistance offered in connection with construction of such meter board shed by the private respondents.

- 3.** Despite service, none appears for the private respondents. Affidavit-of-service filed today be kept on record.
- 4.** It transpires from the facts of the case that the dispute between the petitioner and her husband is civil in nature and in normal circumstances, the appropriate forum would be the civil court to grant relief to the petitioner regarding resistance in construction of meter board shed.
- 5.** However, it is settled law that the right to maintenance of a married lady includes right of residence, an integral part of which is the basic right to get an electricity connection. Even Section 43 of the Electricity Act, 2003 confers such right on the petitioner.
- 6.** Under such circumstances, instead of relegating the petitioner to the civil court, keeping in view her circumstances as narrated above, as an exception, appropriate orders are required to be passed by the writ court to ensure that the petitioner gets an electricity connection.
- 7.** Accordingly, WPA No. 18193 of 2023 is disposed of by granting liberty to the petitioner to construct a meter board shed for the purpose of enabling the CESC Limited to give electricity connection to her.

- 8.** In the event any hindrance is given or any resistance is offered in the petitioner doing so by the private respondents, it will be open to the petitioner to approach the respondent no.4 herein, that is, the Officer-in-Charge of the Pujali Police Station who shall act on the written communication of the learned Advocate for the petitioner coupled with a server copy of this order for the purpose of grant of police help to the petitioner. Such police help shall be granted at the cost of the petitioner immediately upon the respondent no.4 being so approached by the petitioner.
- 9.** Upon such meter board shed being constructed, the petitioner shall intimate about such construction to the CESC Limited. Within a week after such intimation, the CESC Limited shall give a new service connection to the petitioner from the newly constructed meter board shed, subject to compliance of all formalities by the petitioner. In the event the CESC Limited is resisted by the private respondents and/or their men and agents from doing so and/or from undertaking any further activity, including laying cables to facilitate such connection being given to the petitioner, the CESC personnel shall

approach the respondent no.4, the Officer-in-Charge, Pujali Police Station who will grant adequate police assistance to the CESC personnel for completing the task at the cost of the petitioner. If need be, the police personnel will be at liberty, in order to comply with the above direction, to remove any padlock or other hindrance.

- 10.** It is, however, made clear that nothing in this order shall create any special equity in favour of the petitioner which the petitioner does not otherwise have in law.
- 11.** The direction given herein shall be subject to the outcome of the matrimonial suit pending between the petitioner and the private respondent no.5.
- 12.** There will be no order as to costs.

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.)