

08.07.2024
Sl. No.63(DL)
srm

W.P.A. No. 19239 of 2023

Tulu Das

Versus

The Calcutta Electric Supply Corporation Limited & Ors.

Mr. Mrituyunjoy Chatterjee,
Mr. Debapriya Majumder,
Mr. Akash Sarkar,
Mr. Arindam Poali

...for the Petitioner.

Mr. Deepnath Roy Chowdhury,
Mr. D. Dinda

...for the State-respondents.

Mr. Debanjan Mukherjee

...for the CESC Ltd.

Despite service for the second time, none appears on behalf of the respondent No.4.

The District Engineer, Howrah District CESC Ltd. has submitted a report. It appears that an inspection was held. The respondent No.4 was present during the inspection, who again restrained CESC from approaching the common meter board position.

Such inspection was directed by this Court. The respondent No.4 has been constantly resisting supply of electricity to the petitioner, but is consciously avoiding to appear before this Court.

The CESC Ltd. submits that they are willing to supply connection to the petitioner by way of a separate meter, but from the common meter board position as per their rules and regulations. The report indicates as follows:-

“Pursuant to the solemn order dated 24th June, 2024 passed by Her Lordship the Hon’ble Justice Shampa Sarkar in the captioned matter, the undersigned officer of the Licensee Company has visited the aforesaid premises on 29.06.2024 upon prior notice to all the parties. Police Personnel from Malipanchghora Police Station were present at the site during the work to co-operate the Licensee Company. Petitioner and her brother were also present.

During inspection at the aforesaid premises, the meter board room was found under lock and key (Photo of the same enclosed herein). The private respondent no.4, Smt. Sefali Das and others refused to provide access to the meter board room despite of request of the Licensee Company and police personnel. Hence, the Licensee Company could not inspect the meter board room.

In this instant matter, the petitioner has already paid the MASD bill on 02.05.2022. The Licensee Company shall install the meter if the petitioner arranges a hindrance free access to the meter board room.”

A photograph has been annexed to the report which shows that the meter board position is under lock and key.

Under such circumstances, when the CESC found the petitioner to be in occupation of the premises at the time of inspection, he cannot be denied electricity. On the submission of the CESC that they are willing to give a separate connection to the petitioner, but they need to access the meter board position, the writ petition is disposed of directing the CESC to provide the connection as per the rules. The Officer-in-Charge,

Malipanchghara Police Station, who is represented by the learned Advocate also assures the Court that all assistance shall be provided to CESC to ensure that the connection is given to the petitioner from the common meter board position.

The entire exercise shall be completed within a month

Such connection shall not create any equity in favour of the petitioner and shall also not create any preferential right in favour of the petitioner in respect of the property in question. The connection shall abide by any civil litigation that may arise in respect of the petitioner's right and possession.

As the respondent No.4 is resisting the CESC Ltd. at the site, but is consciously avoiding to appear before the Court, the police authorities shall request the respondent No.4 to open the lock and if such request is not accepted, the police authorities shall take all necessary measures to provide access to the CESC Ltd.

Needless to mention, the connection must be effected upon compliance of all other formalities to be fulfilled by the petitioner. The law is well settled. No person in occupation of any premises can be denied electricity. The CESC has a statutory duty to provide electricity.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)