

08.07.2024
Sl. No.65(DL)
srm

W.P.A. No. 23000 of 2023

Mrs. Kharun Nesa

Versus

The Calcutta District Engineer, South West District & Ors.

Mr. Zulfequare Ali

...for the Petitioner.

Mr. Suman Ghosh

...for the CESC Ltd.

Despite service for the second time, none appears on behalf of the respondent No.3.

The District Engineer, South West District CESC Ltd. has submitted a report. It appears that the CESC had intimated the respondent No.3 of the order dated June 24, 2024. The inspection, as directed by the Court, was held on June 28, 2024 in respect of premises No.B/73/H/10, Dr. Sudhir Bose Road, Kolkata 700023. The respondent No.3 was present at the site, during such inspection. The meter room was found locked. In view of the resistance by the respondent No.3 and inability of the CESC to install the meter in favour of the petitioner's connection at the existing meter board position, the connection could not be effected.

The photograph of the meter board position and the locked condition is available with the report.

The report reads as follows:-

- “1. During inspection and installation of meter, private respondent was raised objection and locked the meter room. As a result, we were unable to install the meter in favour of the writ petitioner at the existing meter board.
2. Without police help it is difficult to install meter in favour of the petitioner. Private respondent has locked the meter room.
3. A photograph of the meter room is enclosed.”

As it is submitted by the CESC Ltd. 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 writ petition is disposed of directing the CESC to supply the connection to the petitioner. The Officer-in-Charge of the concerned Police Station, is directed to render all assistance to the CESC Ltd. and 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. It shall not create any preferential right in favour of the petitioner in respect of the premises in question and the connection shall ultimately abide by any civil litigation that the parties may contest in respect of such premises.

As the respondent No.3 is resisting the CESC Ltd. on the site, but is consciously avoiding to appear before the Court, the police authorities shall request the respondent No.3 to open the lock and if such request is not accepted, the police authorities shall take all necessary measures.

Needless to mention, the connection to be effected will be upon compliance of all other formalities to be fulfilled by the petitioner. The law provides that no person in occupation of any premises shall remain in the dark. 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.)