

AD-26
Ct No.09
22.01.2024
TN

WPA No. 27099 of 2023

Smt. Shila Sohani @ Smt. Shila Sahani
Vs.
The State of West Bengal and others

Mr. Pronojit Roy

.... for the petitioner

Mr. Somnath Bose

.... for the CESC Limited

- 1.** Affidavit-of-service filed today be kept on record.
- 2.** Although the attempted service on the private respondents have returned with the endorsement “insufficient address”, there is sufficient proof on record to indicate that the private respondents are deliberately avoiding service. The reason for such finding is that as per the CESC Limited itself, the private respondents have offered resistance at the same address when the CESC Limited went to take inspection to ascertain the feasibility of giving electricity connection to the petitioner on the petitioner’s application for such purpose.
- 3.** That apart, the petitioner has been depositing rent for the premises at the same address of the private respondents/landlords with the Rent Controller.

4. Also, the petitioner has initiated a suit for declaration and injunction against the private respondents giving in the plaint the self-same address of the private respondents.
5. Thus, in view of substantial service, the matter is taken up for hearing, although the private respondents choose to abstain from the hearing.
6. The petitioner's contention is that although the petitioner has applied for electricity, the same has not yet been given by the CESC Limited. The petitioner claims to be a tenant in respect of the property.
7. Learned counsel for the CESC Limited hands over a written objection (which is kept on record) given by the private respondents/landlords which vindicates the stand of the petitioner that the private respondents are opposing the electricity connection of the petitioner. The petitioner in fact alleges that electricity from a previously existing connection standing in the name of the private respondents was being given to the petitioner but has since been disconnected by the private respondents to harass the petitioner. In view of such acrimony between the petitioner and the petitioner's landlords/private respondents, the petitioner has an independent right to get

electricity connection in her name at the premises. Naturally, there cannot be any apprehension of splitting of load in the circumstances of the case, since there cannot be any collusion between the warring petitioner and her landlords.

8. Accordingly, WPA No. 27099 of 2023 is allowed on contest, thereby directing the CESC Limited to hold an inspection to ascertain the feasibility of giving electricity connection to the petitioner and thereafter if found feasible, to give such connection to the petitioner from the existing meter board position at the premises-in-question. Such connection shall be given subject to compliance of all formalities by the petitioner. On either of the occasions, at the time of holding such inspection or giving such electricity supply to the petitioner from the existing meter board position, if the CESC Limited personnel face any obstruction from the private respondents and/or their men and agents, it will be open to the said personnel to approach respondent no.4 herein, that is, the Officer-in-Charge, Dum Dum Police Station for adequate police assistance which will be given by respondent no.4 to the CESC personnel at the cost of the petitioner by acting

on a server copy of this order, if need be by removing any padlock or other hindrance put up to prevent the CESC Limited personnel from getting such access or holding such inspection.

9. 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.)