

AD-24
Ct No.09
03.01.2024
TN

WPA No. 27125 of 2023

Mr. Koushik Chakraborty
Vs.
The State of West Bengal and others

Mr. Abhishek Halder,
Ms. Madhurima Basu

.... for the petitioner

Mr. Moniruzzaman,
Mr. Soumik Dey

.... for the State

Mr. Suman Ghosh

.... for the CESC Limited

Ms. Nabanita Chatterjee

.... for the private respondents

1. Learned counsel for the petitioner contends that the petitioner is a tenant in respect of the property-in-question. The private respondents/landlords have initiated an eviction suit against the petitioner. The petitioner has also initiated a suit for injunction in which the petitioner is enjoying an interim injunction not to disturb the petitioner's possession in respect of the property. It is argued that when the petitioner applied for a fresh electricity meter in the petitioner's name, the same has not been

granted by the CESC Limited on the ground of objection being raised by the landlords.

- 2.** Learned counsel for the CESC Limited submits that the CESC Limited could not hold inspection despite repeated efforts due to resistance by the landlords.
- 3.** At the juncture when the order is being passed after hearing, an adjournment is sought on behalf of the private respondents/landlords. However, since the court is already in the midst of passing order, such prayer is denied.
- 4.** In view of the factual situation of the case, there cannot be any plausible reason for the petitioner being deprived of independent electricity connection. Since the relationship between the petitioner and the petitioner's landlords is obviously estranged in view of an eviction suit pending between the landlords and the petitioner and the petitioner's suit for injunction also being pending against the landlords, it cannot be said that the petitioner is seeking to collude with the landlords and trying to evade payment of electricity charges.
- 5.** As such, the petitioner being otherwise entitled in law under Section 43 of the Electricity Act to get

electricity connection in his own name, cannot be restrained from getting the same.

- 6.** Hence, WPA No. 27125 of 2023 is allowed, thereby directing the CESC Limited to hold an inspection to ascertain the feasibility of giving electricity connection to the petitioner within a week from date upon prior notice to the petitioner and the private respondents. Upon such inspection being made, the CESC Limited shall raise a quotation/offer letter for giving electricity connection to the petitioner within a further week thereafter.
- 7.** Upon the petitioner complying with all formalities in that regard, the CESC Limited shall give an electricity connection to the petitioner within a fortnight from the date of such compliance of formalities by the petitioner.
- 8.** In the event there is any obstruction raised by the private respondents and/or their men and agents, either at the stage when the CESC Limited takes an inspection to ascertain feasibility or when the CESC personnel give electricity connection to the petitioner, it will be open to the CESC personnel to approach the respondent no.5, that is, the Inspector-in-charge, Serampore Police Station for adequate police

assistance. Upon being so approached, the respondent no.5 shall act on a server copy of this order and grant such assistance at the cost of the petitioner on both such occasions if need be. While doing so, it will be open to the respondent no.5 to remove any padlock or other hindrance if put up by the private respondents and/or their men and agents to impede the CESC Limited from giving such connection or holding such inspection as per above direction.

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.)