

20.03.2025
Sl. No.64
akd

W. P. A. 173 of 2025

[Sampa Sharma -Vs- The CESC Ltd. & Ors.]

Mr. Neil Basu
... .. for the petitioner

Mr. Uday Sankar Bhattacharya
Ms. Banani Bhattacharya
... .. for CESC Ltd.

Mr. Rabindranath Pal
Mr. Kanailal Mandal
... .. for the State

1. Affidavit-of-service filed in court today be kept with the record.
2. The petitioner has preferred the present writ petitioner, being aggrieved by the non-grant of electricity connection to her tenanted premises by the respondent-CESC Ltd.
3. It is the case of the petitioner that her father was running a tea shop from a room situated at 69, Tollygunge Road, P.O. Tollygunge, P.S. Charu Market, Kolkata for over fifty years as a tenant of Late Jahar Lal Shaw. Subsequently, due to her father's ill-health, the petitioner's father had transferred his business in the name of the petitioner and presently the petitioner is running the said business for over 20 years. After the demise of Jahar Lal Shaw, respondent no.6 became the landlord. However, the landlord wanted to evict her father from the said premises and subsequently, had denied to accept the rent from the petitioner with an intent to oust the petitioner from her lawful possession without following the due process of law. The petitioner finding no other alternative started to deposit rent with the Rent Controller regularly. The petitioner further contended that for

over years electricity connection was provided by the respondent no. 6 to the petitioner but all of a sudden the private respondent no. 6 has disconnected the electricity connection of the petitioner. The petitioner has made several requests to provide electricity to her to run the tea shop since she is a lawful tenant under the ownership of private respondent no. 6. In view thereof, petitioner had applied for a fresh electricity connection in her own name. The respondent-CESC Ltd. had issued an offer letter dated 27.10.2024. In favour of the petitioner for installing new electricity connection at the tenanted accommodation of the petitioner. However, the said connection had not been effected due to objections raised by respondent no.6.

4. Learned Advocate for the respondent-CESC Ltd. submits that they are ready and willing to grant electricity connection to the petitioner provided they are given adequate police protection.

5. This court has heard the arguments advanced by the parties and has examined the records.

6. It is well settled proposition of law that electricity connection cannot be denied to the tenant on the ground of failure or refusal on the part of the landlord for grant of said electricity connection at the tenanted premises. The electricity distribution company is supposed to examine as to whether the applicant fulfils all requisite formalities and is in occupation of the tenanted premises.

7. In the present case, admittedly, the petitioner is in possession of the tenanted premises. For the effective enjoyment of the same, electricity connection is necessary.

8. In view thereof, this court deems it appropriate to direct the respondent-CESC Ltd. to grant electricity connection to the petitioner on fulfillment of all necessary formalities.

9. Officer-in-charge, Charu Market Police Station (respondent no.7) is directed to provide adequate police protection to the CESC Ltd. authorities for granting electricity connection to the petitioner. Costs of the same are to be borne by the petitioner.

10. With the aforesaid directions, the writ petition is disposed of.

11. There shall be no order as to costs.

12. Report filed by the State be kept with the record.

13. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)