

Court No. 3
(266146)

13.02.2025
(AD 23)
(S. Banerjee)

WPA 24797 of 2024

Md. Safique
Vs.
CESC Limited & Ors.

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar
...for the petitioner

Mr. Joyak Kumar Gupta
...for the CESC

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu
...for the State

Being aggrieved by the inaction on the part of the respondent authorities, in not granting an electricity connection to the premises of the petitioner, which is in his occupation, the petitioner has preferred the present writ petition.

It is the case of the petitioner that a tenancy agreement dated 16th December, 2017 was entered into between the Petitioner and the Respondent No. 7 qua the first floor of the Premises being no. 74/H/3, Dr. Sudhir Bose Road, P.S. Ekbalpore, Kolkata- 700023. Hence the Petitioner is the lawful tenant of respondent no. 7 w.r.t the said premises and since then he has been in occupation of the said premises. The petitioner further contended that at the time of entering into the tenancy agreement, it was specifically agreed between the parties that the petitioner shall have every right to install a separate

new electricity meter at the said tenanted premises. It is the contention of the petitioner that with the consent of his landlord, the petitioner duly approached the CESC Authority for installation of a new electricity connection in the tenanted portion of the aforesaid premises and deposited the requisite quotation amount. Accordingly, the CESC Authority has installed an electricity meter in the name of the petitioner at the said premises under Consumer No. 14000713542. However, despite the meter being duly energized, the actual electricity connection to the petitioner's premises has not been effectuated due to the objections raised by the respondent No 7.

The petitioner, finding himself deprived of the basic essential amenity for his dignified living, has therefore preferred the instant writ petition.

It is a settled proposition of law that the right to electricity is an essential service integral to the fundamental rights enshrined under article 21 of the constitution of India. It has been judicially recognized that an electricity connection cannot be denied to a tenant merely on account of the refusal or non-cooperation of the landlord. The only relevant consideration for the electricity supply company is whether the applicant seeking the connection is in occupation of the premises or not. This legal principle has been authoritatively laid down in the

case of *Dilip (Dead) LRs. Vs. Satish & Anr.* reported in SCC 810 of 2022.

The respondent no. 6 i.e. police authorities, stated that they were unable to contact the petitioner during the inspection.

Learned counsel for the petitioner in response, has assured this Court that the petitioner shall make all necessary efforts to co-operate with the police authorities.

Having considered the facts and circumstances of the case and in the light of the well-settled principles of law governing the right of a tenant to obtain an electricity connection, this Court is of the considered view that the present writ petition deserves to be allowed with the following directions:-

1. The respondent No. 2-5 shall proceed to effectuate the electricity supply to the petitioner's premises in accordance with law without being interrupted by the objections raised by the respondent no. 7, subject to the Petitioner fulfilling all the required formalities.
2. The respondent no. 6, i.e, the police authorities, shall extend all necessary assistance to both the petitioner and the respondent authorities to ensure that the

electricity connection is duly installed at the petitioner's premises without any further impediment.

3. The petitioner shall co-operate with the police authorities and the electricity supply company to ensure a smooth and expeditious execution of the connection process.

Since no affidavit has been called for, all allegations contained in the writ petition shall be deemed not to have being admitted by the respondents.

(Gaurang Kanth, J.)