

Court No. 3
25.02.2025
(Item No. 16)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 24783 of 2024

M/S. S. B. Enterprise
VS
Calcutta Electric Supply Corporation Limited & Ors.

Mr. Afsar Ali
Mr. Faijan Md. Zafar
..... for the petitioner
Mr. Ansar Mondal
Ms. Mousumi Banerjee
.... For the State
Mr. Debanjan Mukherjee
.... For CESC

Affidavit of service is taken on record.

The petitioner has preferred the present writ petition seeking installation of new electricity connection qua the petitioner's tenanted premises.

It is the case of the petitioner that he is the lawful tenant of the premises in question and he runs a small proprietorship business from the said premises in the name of S.B Enterprises for repairing the refrigerator, air condition and other electrical appliances.

Learned counsel for the petitioner further contended that on 05.4.2023 the petitioner made an application bearing No. 03/07484/23, Form No. 18935898121 for the grant of new electricity connection qua the said tenanted premises. Subsequently, the respondent authorities handed over an outstanding bill for the month of December

2022, in the name of one Moghal Jan having consumer ID 20000199038, amounting to Rs. 15,048/- to the petitioner and on 03.05.2024 the petitioner paid the aforementioned unpaid bill. After the payment of the aforementioned unpaid bill respondent No. 1 issued an offer letter dated 04.05.2024 bearing No. MR No. 03/07484/23 to the petitioner along with a bill for Service Charge and Security Deposit bearing no. 03/07484/23/6/1 amounting to Rs. 51,291/-. On 14.04.2024 the petitioner had deposited all the necessary payments with the respondent no. 1. However, no electricity connection has been granted to the petitioner till date.

Learned counsel for the petitioner further contended that the respondent Nos. 3 and 4 being the landlady and landlord of the petitioner, illegally obstructed the officers of the respondent no. 1 from carrying out the inspection and the installation of the electricity meter in the name of the petitioner qua the said premises. The petitioner had sent the legal notice dated 16.8.2024 to the respondent authorities. Even after receiving the said legal notice the respondent authorities did not pay any heed to the request of the petitioner. The petitioner is still without any electricity connection. Hence he is unable to run the aforesaid business, which deprives the

petitioner from having right to livelihood, enshrined under article 21 of the constitution of India.

Being aggrieved by the inaction on the part of the respondent authorities the petitioner has preferred the present writ petition.

It is well settled position of law that the electricity connection cannot be denied to a tenant on the ground that the landlord failed or refused to provide a no-objection certificate for the installation of the electricity connection qua the tenanted premises.

Learned counsel for the respondent authorities states that they had twice attempted to install the electricity connection on the premises of the petitioner. But they were resisted by the inmates of the property, thus, preventing them from energizing the new electricity connection.

Learned counsel for the respondent authorities further states that they are willing to grant electricity connection to the petitioner if adequate Police assistance is provided to them.

In view of the statement made by the learned counsel for the respondent authorities, this Court directs the respondent No. 2, the Police authority to provide adequate Police protection to the concerned competent authority to ensure the smooth installation and energization of electricity connection at the petitioner's tenanted premises.

It is further pointed out that the petitioner shall comply with all the necessary formalities.

Needless to state, the cost shall be borne by the petitioner.

With the above direction this present writ petition is disposed of.

Photostat certified copy of this order, if applied for, be furnished upon compliance of all necessary formalities.

(Gaurang Kanth, J.)