

11.03.2025
Sl. No.37
tkm

W.P.A. 27663 of 2024
(Chandra Sekhar Sharma vs. CESC Ltd. & Ors.)

Mr. Krishna Das Poddar
Ms. Rubina Akhtar
Ms. Mandira Barman
... .. for the petitioner

Ms. Nilanjana Banerjee Pal
... .. for respondent no. 3
Mr. Debanjan Mukherjee
... .. for CESC Ltd.
Mr. Surajit Maity
... .. for respondent nos. 5 & 6

1. Affidavit of service is placed on record.
2. The petitioner has preferred the present writ petition being aggrieved by the non-grant of an electricity connection by the respondent authority qua the petitioner's tenanted premises, situated at premises no. 5/5/1, Chaulpatty Road, P.S.- Beliaghata Kolkata- 700085.
3. Learned counsel for the petitioner submits that the premises in question is a government 'khas' land, owned and possessed by the state of West Bengal. Further the State of West Bengal by a registered lease deed dated 20th October, 2011, had executed a deed of lease in favour of respondent no. 4 and one Mr. Kunal Das, who during his lifetime executed a lease deed in favour of the petitioner, thereby inducting him in the said premises in question as a tenant. Upon the demise of Mr. Das on 16.4.2024,

his legal heirs executed a fresh lease agreement in favour of the petitioner and duly accepted him as their tenant.

4. Learned counsel for the petitioner submits that the petitioner has been regularly paying a monthly rent of Rs. 8000/- to the legal heirs of Mr. Kunal Das. The petitioner had applied for the electric connection for the said premises in question to install one commercial meter of 20.00 K.W. (IND) in the month of July, 2024 and following the same the petitioner has deposited a sum of Rs. 1,88,453/- on 31.07.2024 in favour of the CESC Limited towards the installation charges. However, despite due compliance with financial obligations, the connection was not granted due to objections raised by respondent no. 4. Consequently, the petitioner approached the Executive Magistrate, Sealdah by preferring an application under Section 163 of the BNS 2023, registered as MP Case No. 1045 of 2024. Learned Executive Magistrate, after due consideration directed the concerned police authorities to file a status report and to ensure that peace and order should be maintained in the said locality. However, till date, no electricity connection is effectuated and being aggrieved by the said inaction of the Respondent authorities, the petitioner preferred the present writ petition.

5. Learned counsel for the respondent submits that they are willing to effectuate the service connection in favour of the petitioner, subject to the condition that adequate police protection is provided during the installation process.

6. In view of the submissions advanced by the learned counsel for the parties and upon perusal of the records, this Court deems it appropriate to dispose of the present writ petition with the following directions:-

1. The Officer-in-Charge, Beliaghata Police Station (respondent no. 3) is directed to provide adequate police protection to the officials of CESC Ltd to facilitate the electricity connection at the premises in question.
2. The petitioner shall bear the cost associated with the deployment of the police personnel for the said purpose.
3. The petitioner shall also comply with all requisite legal formalities and procedural requirements necessary for obtaining the electricity connection.

(Gaurang Kanth, J.)