

24-12-2020
Subrata

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A.No.10534 of 2020

Sukla Kar

-vs-

The Calcutta Electric Supply Corporation Ltd. & Ors.

Mr. Srikanta Paul ...for the petitioner

Mr. Jahar Dutta ...for the State

Mr. Suman Ghosh ...for CESC

Mr. Dipanker Bose ...for private respondents

The petitioner had applied for a new service connection at premises No.P-45, Kanungo Park, Garia P.S. Patuli, Calcutta – 700 084 (hereinafter referred to as the said premises). The petitioner says that her application was rejected by CESC Limited, the licensee, by a letter dated August 26, 2020 (appearing at page 50). Petitioner wants a new connection.

On behalf of CESC, it is submitted that there is already an existing service main at the said premises. No new service main can be provided at the said premises. The petitioner can be provided with a new meter and a new connection through the same from the existing main service. CESC is ready and willing to install a new meter and give the new connection to the petitioner from the existing main, provided the petitioner makes a fresh application for a new meter and a new connection, since the petitioner's previous application has already been rejected. The new connection is also subject to the petitioner bearing all costs and expenses for the new meter and the new connection.

On behalf of respondents no.5-11, it is submitted that the petitioner has no right in respect of

the preemies in question. She has been permitted to stay thereat by her brothers and sisters being the private respondents. The private respondents also say that the petitioner has been enjoying the electricity from an existing meter under an arrangement between the petitioner and the private respondents. The petitioner has not paid the bills for the said meter and as such the same has been disconnected. The private respondents however admit that the petitioner is in occupation of a portion of the said premises.

These disputes regarding the right of ownership, title and interest in respect of the premises between the petitioner and the private respondents cannot stand in the way, if the petitioner getting the new meter in her name, particularly when the possession of the petitioner is admitted.

Assuming without admitting that the petitioner does not have any right, title and interest in respect of the said premises, the petitioner's status then is that of a trespasser. Even a trespasser, unless evicted by due process of law, is entitled to electricity. Electricity connection, if granted to the petitioner, will not also create any right in her favour.

In these facts and circumstances, I direct the petitioner to make a new application for a meter and a new connection at the said premises within seven days from date. Within 72 hours from the date of the application if made, the officials of CESC shall inspect the existing service main and the meter board position for installing a new meter in the name of the petitioner. Within 3 days from the date of inspection, CESC shall raise the quotation. On payment of the sum mentioned in the quotation and compliance of other statutory requirement, CESC shall within 3 days

therefrom install a new meter and grant the petitioner a new connection.

It is made clear that I have not gone into any dispute inter se between the petitioner and the private respondents. The installation of the new meter at the common meter board or a new connection to the petitioner at the said premises will not create any new right or abridge or extinguish any existing right of the petitioner in respect of the said premises.

It is expected that the private respondents shall render all cooperation to the officials of CESC at the time of inspection as also at the time of installing the new meter and granting the connection to the petitioner.

The respondent no.4 (officer in charge of Patuli police station) is directed to see that no breach of peace takes place at the said premises or in the precincts thereof at the time of inspection by CESC Ltd. or at the time of installation of the meter and effecting new connection to the petitioner.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Certified photostat copy of this order, if applied for, shall be given to the parties.

[Arindam Mukherjee, J]

