

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

18.12.2020
D/L- 9
(suvendu)

WPA 1032 of 2020

**Sri Dindayal Singh
Vs.
Calcutta Electric Supply Company Ltd. & Ors.**

Mr. S.N.Ray

Mr. Radhamohan Ray

Mr. Tirtha Dey

Ms. Tuhina Parvin

.....for the petitioner

Mr. Debanjan Mukherjee

.....for CESC Ltd.

Mr. Jahar Datta

Mr. Jaladhi Das

.....for the State

Mr. Debjit Mukherjee

...For the private respondent

Pursuant to the order dated 10th December, 2020, an inspection was carried on by the officials of CESC Limited on 16th December, 2020 in the presence of the petitioner and the private respondent. The report signed by the District Engineer, Calcutta South District, CESC Limited, namely Sri Amlan Bhattacharjee, on 17th December, 2020, filed in Court today is taken on record.

On a perusal of the report, it appears that certain recordings have been made therein which are

beyond the purview of the direction contained in the order dated 10th December, 2020. The relevant portion of the order dated 10th December, 2020 is set out hereunder.

“CESC Limited is directed to inspect the site for deciding the place and mode in which connection can be given to the petitioner’s premises by affixing a new meter for the purpose of a separate connection to the petitioner. The inspection shall be done at 11 AM on 16th December, 2020. The respondent nos. 5 and 6 shall not resist or prevent the inspection. The Officer-in-Charge of Rabindra Sarobar Police Station, being the respondent no.4, should ensure that there is no breach of peace at the time and date when CESC Limited is directed to make the inspection.”

There was no direction for giving the details of the meters installed in the common meter room which have remained disconnected as also the amounts said to be outstanding against such meters. This will not only complicate the issues involved but also is beyond the scope of the writ petition wherein the petitioner is seeking a new connection through a new meter and is ignored for the purpose of deciding the petition.

Mr. Debjit Mukherjee, appearing for the private respondent (respondent no.5), refers to three

photographs handed over to the Court by his junior who is physically present in Court today. Referring to the said photographs, the respondent no.5 says that the meter board is in his bedroom. From the photographs it appears that there are more than one meter installed at the portion referred to by the respondent no.5. It also appears that the main service connection is also at that place. The respondent no.5 appears to have never objected to the main supply being placed and meters being installed at the portion shown in the photographs which the said respondent claims to be his bedroom. The respondent no.5 now raises a plea that the meters should be shifted to a different place. In a writ petition filed by the petitioner no relief can be claimed by the respondent no.5 to that effect.

Considering the materials on record and the submissions made on behalf of the parties, I direct CESC Limited to give a connection to the petitioner by installing a new meter in the name of the petitioner at the existing point of supply at the premises in question subject to the petitioner paying all necessary cost and charges and complying with the statutory requirements. It is expected that the respondent no.5 will render all cooperation to the officials of CESC Limited for installing the meter at

the existing point of supply in the premises in question. CESC Limited shall before hand intimate the petitioner and the respondent no.5 before hand about the date and tentative time of visit to the said premises so that they can be present on that day and time. The Officer-in-Charge, Rabindra Sarobar Police Station (respondent no.4), shall ensure that there is no interference from any side and also shall see that no breach of peace takes place at the time of installing the new meter for giving connection to the petitioner.

The installation of new meter at the said premises or giving a connection through the new meter to the petitioner shall not create, abridge or extinguish any civil right either of the petitioner or of the respondent no.5 in respect of the said premises.

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

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

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)