

Ct. 23
Item Nos.34
08.12.2020
(suvendu)

WPA 1978 OF 2020

Buddhadeb Das
Vs.
CESC Ltd. & Ors.

(Via Video Conference)

Mr. Uddipan Banerjeefor the petitioner

Mr. P. Dasfor the CESC Ltd.

The petitioner says to have purchased a flat measuring about 400 square feet at the ground floor of the building situated at Premises No. 48/1, Kantapukur 3rd By Lane, Kadamtala, Howrah for valuable consideration under a registered document dated 7th December, 2018. The petitioner has also mutated his name in the records of the Howrah Municipal Corporation subsequent to the purchase and is regularly paying the property tax. The petitioner says that he is in possession of the flat since purchase. The petitioner had applied for a separate domestic electricity connection at the said premises for the said flat. The petitioner has deposited the money in terms of the offer letter issued by CESC Limited on 7th December, 2019. Despite all payments, CESC Limited has not been able to give connection due to

the resistance from other flat owners. CESC Limited accepts the submission made by the writ petitioner regarding payment of the money to CESC Limited and their inability to install a new meter to give a new connection to the petitioner for the resistance from some of the other flat owners. The petitioner is entitled to a new connection. Any dispute between the petitioner and other flat owners cannot stand in the way of the petitioner from enjoying a new connection. The other flat owners, therefore, cannot resist CESC Limited from installing a new meter. Their grievances, if any, are required to be resolved by a competent forum.

The Officer-in-Charge of Bantra Police Station is directed to render police help to the officials of CESC Limited on 17th December, 2020 at 12.30 PM to enable them to affix a new meter and effect a separate connection to the petitioner from the existing service at the said premises subject to the petitioner bearing the cost for police assistance. The Officer-in-Charge of Bantra Police Station shall by 15th December, 2020 inform the petitioner about the cost required to be deposited by the petitioner for police help. CESC Limited shall render all cooperation to the Officer-in-Charge, Bantra Police Station by providing necessary details in this regard for assessment of police assistance cost. The petitioner shall make payment of the police assistance cost on or before 16th December, 2020 and inform the same to CESC Limited.

In the event the CESC Limited is informed about the payment of police assistance cost, CESC Limited shall be

present at the premises in question with all tools and tackles, materials and documents to install a meter and effect connection to the petitioner through the same on the time and date mentioned hereinabove. The meter shall be installed at the common meter place or at any other convenient place that may be decided by CESC Limited. CESC Limited should, however, ensure that the rights of other flat owners are in no way affected while installing the meter or giving the connection from the existing service at the said premises.

The petitioner shall serve a server copy of the instant order on the Officer-in-Charge, Bantra Police Station and the said Officer-in-Charge shall act on the basis of such server copy without insisting for a certified copy of this order.

Since no affidavit-in-opposition is called for, allegations contained in the writ petition are deemed to be denied.

The writ petition is disposed of without any order as to costs.

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

(Arindam Mukherjee, J.)

