

S/L 7
16.9.2020
SD

W.P.A. 6336 of 2020
IA No. 1 of 2020 (CAN 4879 of 2020)
(Via Video Conference)

Satyanarayan Singh
Vs.
CESC & Ors.

Mr. Sukumar Bhattacharya
Ms. Sayani Bhattacharya
...for the Petitioner.

Mr. Om Narayan Rai
...for the CESC.

Ms. Shebatee Datta
...for the Respondent No.4.

In view of the urgency, the matter is taken for hearing.
The application being IA No. CAN 1 of 2020 (C.A.N. 4879 of 2020) is disposed of.

Report filed by the CESC in Court today be kept with the record.

The key findings of the report are provided below:-

“The details of the existing service are as follows:-

Underground service with 25 Sq. Mm cable, 2X50A D/M/Cutout connected with 9 meters at the existing 4 way meter box.

It is respectfully stated that, inspection conducted as the said premises reveals that the electricity connection at the point of the meter (which is the farthest point upto which CESC Limited has authority to connect supply) was found to be proper.

It is respectfully submitted that since there has been no disconnection of the supply/meter by CESC Limited, the Licensee therefore cannot take steps

regarding restoration of the allegedly disconnected supply.

It is respectfully submitted that the Main-switch and the wiring installation of the consumer beyond the Main-switch, is not under the purview of the Licensee. Hence any discontinuity of the supply beyond the Main-switch has to be checked and repaired by the consumer through a Licensed Electrical Contractor. Therefore the Petitioner can easily restore the supply through a Licensed Electrical Contractor without touching the metering system and prying police help from the local P.S. who is one of the party respondent of the instant Writ Petition.”

Counsel appearing on behalf of the petitioner submits that as evident from the report, the existing meter board is in a room occupied by Shri Ramsankar Gupta, the respondent no.4 in the writ petition.

Counsel further submits that the connection from the meter board to his portion of the premises is being disturbed by the private respondent no.4. He submits that police assistance should be granted to him to have the entire line checked by the CESC and the padlock that have been put by the private respondent may be removed by the private respondent to enable the same.

Counsel appearing on behalf of the CESC submits that the connection to the meter board from CESC is in order and therefore, they have nothing more to say or do about the same.

Counsel appearing on behalf of the private respondent submits that the petitioner is engaging in charging of toto rickshaw batteries and that is resulting in huge amount of fluctuation and fusing of the lines in the premises.

I have heard counsel appearing on behalf of the parties and perused materials available on record.

In my view, the petitioner is entitled to receive electricity as the same is a fundamental right available to him.

In light of the same, the police authorities are directed to assist the petitioner in checking and installing the electric line from the meter board to the portion of the premises occupied by the petitioner.

The private respondent is directed to assist the police authorities in the activities specified above. With regard to the padlock on the meter board that has been affixed by the private respondent, the private respondent is directed to unlock the same as and when required by the petitioner on a day's notice.

I make it clear that meter provided by the CESC is not to be tampered in any manner whatsoever. The police authorities are directed to give assistance to the petitioner so that the line can be restored to the petitioner's portion of the premises within a period of five days from date.

With these observations, W.P.A. 6336 of 2020 and connected application are disposed of.

Since, no affidavit-in-opposition has been called for the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)