

ORDER SHEET
WPO NO.388 OF 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SANTANU GHOSH
Versus
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date : 21st December, 2020

Appearance :
Mr. Chinmoy Pal,
Mr. Kamal Krishna Guha,
Mr. Hiranmoy Pal, Advs.,
for the petitioner.

Mr. Subrata Santra, Adv.,
for the CESC Ltd.

Mrs. Sucharita Paul, Adv., for the
respondent nos.1, 2 and 11.

Mr. R. Islam,
Mr. J. Hossain, Advs., for the private
respondent.

The Court : Pursuant to the order dated 14th December, 2020, CESC Limited has inspected the premises and has informed that it is not technically feasible to shift the existing meters from the common meter board at the said premises to an alternative place by filing a report dated 17th December, 2020 which is taken on record. The report has been circulated amongst the parties. The main service connection cannot also be shifted from the existing position. CESC Limited, however, says that they do not have any objection in granting a new connection to the petitioner provided the petitioner is ready and willing to pay the arrears left behind by Sefali Ghosh in whose name the meter stood from where the petitioner was getting electricity. It has been admitted by the petitioner that the petitioner was getting supply from the meter in the name of Sefali

Ghosh. The petitioner is, therefore, liable to pay for the electricity consumed by the petitioner at the petitioner's unit on the left side of the third floor of the building situate and lying at 578/B, Rabindra Sarani, Kolkata – 700 003. This Court cannot go into any dispute as to what amount the petitioner is liable to pay against the dues standing in the name of Sefali Ghosh for electricity consumed by her.

It has been submitted by CESC Limited that the security deposit for the meter in the name of Sefali Ghosh lying with CESC Limited is about Rs.7,000/-. If the said sum of Rs.7,000/- is adjusted against the arrears of Rs.8,477/- then the balance is Rs.1,477/-. CESC Limited says that if the petitioner pays the said sum of Rs.1,477/- and all costs, expenses and charges for installation of a new meter, CESC Limited is ready and willing to provide such new meter at the existing meter board connected to the existing main supply so that the petitioner can use and enjoy electricity at the portion under the petitioner's occupation.

Advocate for the petitioner, on instruction, says that his client is ready and willing to pay the said sum of Rs.1,477/- and bear all costs, expenses and charges for the new meter and connection to the petitioner's premises. The petitioner through his Advocate undertakes to comply with all statutory requirements for the purpose of getting new meter in the name of petitioner and a connection through such meter to the petitioner's portion. Subject to the petitioner paying all costs, expenses and charges and complying with all statutory requirements, CESC Limited shall within 31st December, 2020 provide a new connection to the petitioner by installing a new meter by either treating the present application of the petitioner as an application for new connection or otherwise as may be necessary.

The respondent no.11 has filed a separate report forwarded by electronic mail to his Advocate. A printout copy of such electronic mail, on being handed over to this Court by the Advocate for the respondent no.11, is taken on record.

It is expected that the respondent nos.6 to 10 shall render all co-operation to the officials of the CESC Limited for installation of a new meter and give a new connection to the petitioner. The respondent no.11, however, shall ensure that there is no breach of peace at the said premises or in the precincts thereof at the time when officials of CESC Limited go to the said premises for installing the new meter and effecting the new connection. CESC Limited shall before hand inform the respondent no.11 the date and tentative time of their visit for the purpose of installation of a new meter and effecting the new connection to the petitioner.

The new connection to the petitioner shall not create abridge or extinguish any right in favour of the petitioner so far as the portion under his occupation as a tenant is concerned.

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

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

All parties shall act on a server copy of the instant order without insisting upon a certified copy thereof.

(ARINDAM MUKHERJEE, J.)

