

AD. 24.
November 26, 2021.
MNS.

(Through Video Conference)

WPA No. 14882 of 2021

Atul Gupta

Vs.

The State of West Bengal and others

Mr. Jagannath Ganguly

...for the petitioner.

Mr. Debanjan Mukherjee

...for the CESC Limited.

Mr. Niladri Banerjee,

Ms. Koyel Senapati

... for the respondent no. 5

Mr. Jahar Dutta,

Mr. Jaladhi Das

...for the State.

The grievance of the petitioner is that the CESC Limited has not effected repairs to the electric meter situated at the premises, where the petitioner is residing in the capacity of a tenant, primarily due to resistance being offered by the private respondent-landlord.

Learned counsel appearing for the private respondent contends that the petitioner does not come within the definition of a 'tenant' as described under the West Bengal Premises Tenancy Act, 1997, and, as such, is not entitled to such electric supply at all.

Be that as it may, since there is an existing electric connection, the landlord cannot be permitted to

virtually get an eviction by resorting to an oblique method, despite the pendency of an eviction suit, the pendency of which is candidly submitted by learned counsel for the private respondent.

As such, WPA 14882 of 2021 is disposed of by directing the CESC Limited to inspect the existing meter, upon prior notice to the petitioner as well as the private respondent, at the premises-in-question situated at 433/1, G. T. Road (North), Police Station- Bantra, Howrah- 711 101, for the purpose of ascertaining the extent of liability of the CESC Limited to repair the damage to the electric meter, if any. In the event any damage is found by the CESC Limited, the officials of the CESC Limited shall ensure that the necessary repairs, to the extent to which the CESC is liable to repair, are carried out at the earliest.

The inspection shall be completed by the CESC Limited within a week from date, subject to compliance of all formalities and payment of due charges by the petitioner. In the event the private respondent creates any hindrance to the CESC Limited officials' inspection and repair work, if any, regarding the said electric meter, the said officials will be at liberty to approach the respondent no. 4, that is, the Officer-in-Charge, Bantra Police Station. If such approach is made, the respondent no. 4 shall provide adequate police assistance for the purpose of holding such inspection and repair work, if any, at the costs of the petitioner.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)