

AD. 28.
December 14, 2021.
MNS.

(Through Video Conference)

WPA No. 16311 of 2021

Uday Pratap Singh
Vs.
Calcutta Electric Supply Corporation
Limited and others

Mr. Dilip Kumar Shyamal,
Mr. Gourab Ghosh

... for the petitioner.

Mr. Rajiv Lall

...for the CESC Limited.

Mr. Sataroop Purkayastha

...for the private respondent.

Learned counsel for the petitioner alleges that the petitioner does not have any separate electric meter on the premises-in-question, which has been purchased by the petitioner. As such, the petitioner applied for a new service connection, which is not being given by the Calcutta Electric Supply Corporation (in short 'the CESC Limited').

Learned counsel for the private respondent submits that already a civil suit is pending between the private parties, where an injunction was granted in *ad interim* form in favour of the private respondent against the petitioner. As such, the prayer of the petitioner ought not to be granted.

Learned counsel appearing for the CESC Limited submits, as per instructions, that the petitioner did not apply for a new connection simpliciter, but had applied for shifting of the existing location of the electric meter as well as for a new connection in the petitioner's name.

However, it is contended by learned counsel for the CESC Limited that there is already an existing electric meter at the premises purchased by the petitioner, which is standing in the name of his vendor. As such, the petitioner ought to have applied for transfer of the existing electric meter in his own name.

Upon hearing the contentions of the parties, it is evident that the CESC Limited itself has taken a stand that there is an existing meter at the petitioner's premises, which is standing in the name of the petitioner's vendor. Hence, there is no scope for shifting of meter at the present juncture unnecessarily. That apart, since an existing meter subsists on the plot-in-question, it will not be permissible in law for the CESC Limited to give a new connection in the name of the petitioner.

In such circumstances, WPA 16311 of 2021 is disposed of by granting the petitioner liberty to apply for transfer of name in respect of the electric meter standing at the petitioner's premises to the name of the petitioner. If such an approach is made, the CESC Limited shall consider the same, subject to compliance of all formalities in accordance with law and, upon appropriate

inspection, grant such request for transfer, if otherwise permissible in law.

It is made clear that the contentions of the petitioner and the private respondent regarding their respective right, title and interest in respect of the property-in-dispute has not been gone into by this Court and it will be open to the Civil Court to adjudicate on the same independently and in accordance with law.

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.)