

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 7801 of 2020

Sisir Kumar Saha
Vs.
The CESC Limited & Ors.

with

WPA 9414 of 2020

Raj Kumar Jaiswal & Anr.
Vs.
CESC Limited & Ors.

Mr. Nilendu Bhattacharya
Mr. Sandipan Banerjee
Mr. Kapil Guha

... For the petitioner in WPA 7801 of 2020
& respondent no.5 in WPA 9414 of 2020

Mr. Debdeep Sinha
Mr. Nirmalya Biswas

... For the petitioners in WPA 9414 of 2020 &
respondent nos.8 & 9 in WPA 7801 of 2020

Mr. Somnath Bose
... For CESC Limited

Pursuant to the order dated 9th December, 2020,
CESC Limited has inspected the premises no.9B, Kashi
Dutta Street, Kolkata – 700006 and has filed a report. The
said report is taken on record. Copies of the report are
circulated amongst the parties.

After perusing the report, it appears that a service
position is existing inside a room occupied by Raj Kumar
Jaiswal, the petitioner in WPA 9414 of 2020 at premises
no.9B, Kashi Dutta Street. The meter catering to
respondent no.5 in WPA 9414 of 2020 is installed in the

said room occupied by Raj Kumar Jaiswal. The respondent no.5 in WPA 9414 of 2020 have filed a writ petition, being WPA 7801 of 2020. The private respondent no.5 in WPA 9414 of 2020, Sisir Kumar Saha, has sought for a new underground AC service connection at the portion of premises no. 9B, Kashi Dutta Street, Kolkata – 700006 under his occupation. The portion under the occupation wherein the new underground AC service connection is proposed to be given to Sisir Kumar Saha has been shown as Lot 'B' in the sketch map appended to the report filed by CESC Limited.

CESC Limited has given an estimate of cost to Sisir Kumar Saha and I am told that the same has been paid.

Subject to realisation and compliance of other statutory requirements, CESC Limited is directed to give a new AC service connection at the premises shown as Lot 'B' in the sketch map appended to the report filed by CESC Limited. The connection has to be effected by 31st January, 2021. Since CESC Limited has proposed to give a new AC service connection and instal a new meter in the name of Sisir Kumar Saha at the premises under his occupation shown in Lot 'B' of the sketch map appended to the report of CESC Limited, there will be no need to shift the meter through which Sisir Kumar Saha is deriving electricity and presently installed in the room under occupation of Raj Kumar Jaiswal after the proposed connection is given to Sisir Kumar Saha. CESC Limited after granting connection to Sisir Kumar Saha will be free to remove the meter lying

installed in the room under occupation of Raj Kumar Jaiswal now catering the need of Sisir Kumar Saha. The prayer of Raj Kumar Jaiswal in his writ petition, therefore, will be taken care of and no separate order therein for shifting of the meter now catering the need of Sisir Kumar Saha is required to be passed.

I am told that Prasanta Kumar Saha, being the respondent no.6 in WPA 9414 of 2020, has died. His death is recorded. Since I am inclined to dispose of the two writ petitions, there is no further necessity to amend the cause title. The name of Prasanta Kumar Saha as respondent no.6 in WPA 9414 of 2020 shall be treated as expunged.

It also appears that there is a dispute as to the address of the premises. According to CESC Limited, the entire building wherein Sisir Kumar Saha and Raj Kumar Jaiswal reside is numbered as 9B, Kashi Dutta Street, Kolkata – 700006. On behalf of Raj Kumar Jaiswal, it is submitted that he resides in premises no.9B, Kashi Dutta Street and Sisir Kumar Saha resides in premises no. 9C, Kashi Dutta Street.

I have not gone into this dispute, but for the sake of convenience, I have referred to the sketch map appended to the report of CESC Limited describing the portion of Raj Kumar Jaiswal as Lot 'A' and that of Sisir Kumar Saha as Lot 'B'.

It is expected that both Sisir Kumar Saha and Raj Kumar Jaiswal shall cooperate with the officials of CESC

Limited at the time of granting a new underground AC service main to Sisir Kumar Saha and while removing the meter now catering Sisir Kumar Saha and installed in the room under occupation of Raj Kumar Jaiswal.

The Officer-in-Charge, Jorabagan Police Station, being the respondent no.7 in WPA 7801 of 2020 is directed to ensure that there is no breach of peace in and around premises no. 9B, Kashi Dutta Street, Kolkata – 700006 at the time when the officials of CESC Limited go for effecting a new underground AC service main to Sisir Kumar Saha or for removing the meter as aforesaid. CESC Limited shall well in advance inform the said respondent no.7 about their programme.

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

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

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

(Arindam Mukherjee, J.)