

12.02.2021
Sl. No.16
(PP)

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

WPA 8038 of 2020

Sudhir Kumar Shaw
Vs.
CESC Limited & Ors.

Mr. Gaurav Purkayastha
....for the petitioner.

Mr. Saurav Chaudhuri
....for CESC Limited.

Mr. Indrakant Jha
....for the respondent no.6.

Pursuant to the order dated 21st January, 2021, CESC Limited has filed a report which was taken on record on 28th January, 2021. The copies of the report have been given to the petitioner and the respondent no.6 (private respondent). The relevant portion of the report is set out hereunder for better appraisal of the facts:

“(e) The existing service cable is in a very dilapidated condition from where reconnection of supply is not technically feasible. Additionally, the door leading to the meter board at the back portion of the ground floor of the premises was kept locked for which access to the meter board was not available for a long time and we were not able to take monthly meter reading for this continuous non-availability of access to the meter board position.

(f) As reconnection is not technically feasible the existing service along with electrical apparatus is required to be removed and a new service is to be installed at a new position which was earmarked during the inspection and it is in between the

boundary wall of the building and the outer wall of the shop where new meter board will be constructed and the meter of the Petitioner will be installed threat. For that purpose the landlady, Mrs. Biva Naskar will have to apply for removal of the existing disconnected service and a new service connection. New service will be offered after payment of service charges and also payment of Rs.19,734/- and Rs.9,719.20 being the outstanding dues against meter Nos.5883585 and 2663755 standing in the names of Sri Pradip Kumar Banerjee and Sm Bejon Prova Banerjee respectively.”

The petitioner was receiving electricity from a meter, bearing no.2653954, standing in his name under consumer no.04134055008 at the shop room at premises no.23/1E, Maharaja Tagore Road (formerly 9/2, Babu Bagan Lane), Kolkata – 700031 (hereinafter referred to as the said premises), which was disconnected. The said meter is installed in the meter room at the said premises. The officials of CESC Limited were denied access to the said meter room for a considerable period of time and as such meter reading could not be recorded. This prompted CESC Limited to disconnect the petitioner’s supply from outside. The petitioner initially sought for reconnection and then applied for a new meter. Since no new meter was given to the petitioner, the petitioner had approached this court by filing the instant writ petition.

It appears from the report that in the meter room at the said premises there are three meters, one in the

name of the petitioner and the other two respectively in the name of Pradip Kumar Banerjee and Smt. Bejon Prova Banerjee. Pradip Kumar Banerjee and Smt. Bejon Prova Banerjee being the original owners of the said premises had inducted the petitioner as tenant have now sold the said premises to the wife of the respondent no.6. It also appears from the report filed by CESC Limited that the condition of the meter room is such that supply cannot be reinstalled therefrom even through a new meter. The present owner appears to be not interested in repairing the meter room or to a connection at the said premises. The petitioner in such a situation cannot be deprived of electricity. CESC Limited has indicated an alternative place in its report to instal a meter and give connection to the petitioner. However, in view of the outstanding amount of Rs.19,734/- against Pradip Kumar Banerjee and Rs.9,719.20 against Bejon Prova Banerjee, it is submitted on behalf of CESC Limited that unless the petitioner pays the said two outstanding sum, no new connection can be given to the petitioner. The petitioner is willing to pay the outstanding without prejudice to his rights.

Subject to the petitioner paying Rs.19,734/- and Rs.9,719.20 and other costs and charges, if not already paid, CESC Limited shall give connection to the petitioner at the place as indicated in paragraph 'f' of

its report dated 27th January, 2021, which has been set out hereinabove.

CESC Limited shall give connection to the petitioner within seven working days from the date of the petitioner making payment of the said sum of Rs.19,734/- and Rs.9,719.20 and other requisite charges.

It is expected that the respondent no.6 shall cooperate with the petitioner and the officials of CESC Limited at the time when a new connection is given to the petitioner.

The officer-in-charge, Lake Police Station is directed to ensure that there is no breach of peace at the time when the officials of CESC Limited execute the work for giving new connection to the petitioner.

The petitioner and CESC Limited shall, well in advance, inform the concerned Police Station the date and tentative time when the officials of CESC Limited shall execute the work for giving new connection to the petitioner so that the said officer-in-charge can make necessary arrangements.

The new connection to the petitioner will create no new right or abridge and extinguish his right vis-à-vis the present owner of the said premises.

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

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

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

(Arindam Mukherjee, J.)