

23rd February,
2022
(AK)
02

WPA 2548 of 2022

(Via Video Conference)

Susmita Das
Vs.
CESC Limited and others

Mr. Rajdeep Bhattacharya
Mr. Sanjib Sankar Majumdar
...for the petitioner.

Mr. Amitava Chaudhuri
Mr. N. Roy
...for CESC Limited.

Affidavit-of-service filed in court today be kept on record.

The petitioner's grievance is that although the petitioner is the owner of the premises-in-question, the CESC Limited, upon a prior notice to the petitioner but without considering the petitioner's specific objection, altered the name of the consumer of the petitioner's electric meter to that of the respondent no.3.

It is submitted that the respondent no.3 is a busy-body and has no connection with the property-in-question.

It is further submitted by learned counsel for the petitioner that, at the behest of the petitioner, a civil suit is pending before the competent court, where an order of *ad interim* injunction has been passed temporarily

restraining respondent no.3 from creating any disturbance in the peaceful possession of the plaintiff/petitioner over the property in dispute and also encroaching upon the said property.

However, learned counsel appearing for the CESC Limited submits that the writ petition is premature and frivolous.

It is further submitted that upon the erroneous alteration of name having been detected, the name of the respondent no.3 has been deleted and the consumer name has been reverted back to that of the petitioner.

As such, from the records of the CESC Limited as also available online, it would be evident that the electric meter stands, even at this moment, in the name of the petitioner.

In view of such submission of the CESC Limited, on instruction, the writ petition has become infructuous *ab initio*, since the cause of action pleaded in the writ petition has already been mitigated by the CESC Limited.

In such view of the matter, WPA 2548 of 2022 is dismissed as infructuous.

However, it will be open to the petitioner as well as the respondent no.3 to approach the appropriate authority in the event they have a grievance in respect of the electric meter standing in the name of the petitioner.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)