

AD. 15.  
February 21, 2022.  
MNS.

**(Through Video Conference)**

WPA No. 2781 of 2022

Asha Shaw  
Vs.  
CESC Limited and others

Mr. Bidyut Kumar Halder,  
Mr. Indranil halder

...for the petitioner.

Mr. Ram Chandra Guchhait

...for the CESC Limited.

Mr, S. Banerjee,  
Mr. S. K. Banerjee,  
Mr. Souredeep Banerjee

...for the respondent nos. 4 and 5.

The petitioner's contention is that, despite the petitioner being the owner of the premises-in-question, an electric meter of the private respondent nos. 4 and 5, who are the residents of another plot in an entirely different area, has been installed in the petitioner's premises. Such installation is creating unnecessary disturbances for the petitioner.

Learned counsel places reliance on the title deed of the petitioner in support of his contention.

Learned counsel for the private respondents, however, submits that the private respondents are the adjacent owners of the premises situated immediately beside the premises of the petitioner.

That apart, it is argued that even as per the deed produced by the petitioner, the petitioner is only a 1/5<sup>th</sup> shareholder in the said premises. It is also submitted that the electric meters of the petitioner as well as the private respondents are situated in a common passage.

Learned counsel appearing for the CESC Limited supports the contention of the private respondents and indicates that the meter-in-question, from which electric supply is enjoyed by the private respondents, has been in existence since as long back as the year 2005.

Upon perusal of the materials annexed to the writ petition and hearing learned counsel for the parties, it is, *prima facie*, evident from the electricity bills of the private respondents, as annexed at pages 25 and 26 of the writ petition, that the private respondents are getting electricity at Premises No. 93/1A and 93/1, Kankulia Road, respectively, whereas the petitioner is a co-owner of 93/1/B, Kankulia Road.

Since the CESC Limited supports the contention of the private respondents that the electric meter of the private respondents is situated in a common meter board situated on a common passage, coupled with the fact that the electric connection has been existing since as long back as from the year 2005, that is, for the last sixteen years,

there cannot crop up a new issue as regards disconnection of the said meter or shifting the same to any other premises at this belated stage. In any event, such shifting would also involve further logistic issues and technical difficulties for the CESC Limited.

Since, under Section 43 of the Electricity Act, 2003, the private respondents have equal rights as the petitioner to enjoy electric supply to their respective premises, the prayer of the petitioner in the present writ petition cannot be granted.

Accordingly, WPA 2781 of 2022 is disposed of with liberty, however, to the petitioner to approach a competent civil court, if the petitioner so wishes, for appropriate relief in respect of the right, title and interest of the petitioner and the private respondents respectively regarding the property which houses the meter board.

If so approached, the Civil Court shall decide the said issue independently and in accordance with law without being influenced in any manner by any of the observations made in this order.

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.)