

8 25.08.2022

gd/ssd

FMA/683/2022
IA NO: CAN/1/2022
ASHA SHAW
VS
CESC LIMITED AND ORS.

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder
..for the Appellant.

Mr. Ram Chandra Guchait,
Mr. Debanjan Mukherjee
..for the State.

Mr. Suchayan Banerjee,
Mr. Souradeep Banerjee,
Ms. Sanjana Singh
..for the Respondent Nos.4 and 5.

By this intra court appeal the appellant (writ petitioner) has challenged the order of the learned Single Judge dated 21st February, 2022 disposing of WPA 2781 of 2022.

The appellant had approached the writ court with the plea that she is the owner of the Premises No.93/1/B, Kankulia Road, Kolkata and that the respondent nos.4 and 5 are the residents of the other premises, but they have installed their electric meters in the appellant's premises. Hence, a prayer was made in the writ petition to shift the electric meters of the respondent nos.4 and 5 from the appellant's premises.

Learned Single Judge has examined the matter and has noted that the appellant is the co-owner and that the private respondents are getting the electricity at Premises No.93/1A and 93/1, Kankulia Road

respectively. Learned Single Judge has also considered the contention of the CESC that the electric meters of the private respondents are situated in a common meter board situated on a common passage and that the electric connections are existing since long back from the year 2005 i.e. for the last 16 years. Therefore, there is no question of cropping up the new issue regarding disconnection. Taking note of Section 43 of the Electricity Act, 2003 learned Single Judge has found that the private respondents have also equal rights as the appellant, to enjoy electric supply. In view of that, the matter has been disposed of with liberty to the appellant to approach the competent Civil Court in respect of the issue relating to the right, title and interest in the premises in question.

The contention of the learned counsel for the appellant before this Court is that she is the 100% owner of the premises and that the private respondents are residing in separate premises at a distance.

Learned counsel for the CESC has produced the report with the particulars relating to the premises in question. The report reveals that the dispute is between the relatives and that there are eight meters installed in the meter board in the premises, the details of which have been disclosed in the said report. The report further reveals that the meters are standing in

the name of the private respondent no.4 and Madan Lal Shaw.

Learned counsel for the appellant has placed reliance upon the bills in the name of Madanlal Shaw and Usha Devi Shaw at pages 23 and 24 of the appeal paper book and contended that the connection is in a different premises, whereas a perusal of the report clearly reveals that the supply is at Premises No.93/1A, Kankulia Road and 93/1, Kankulia Road. The contention of the appellant is that she is the 100% owner of the premises cannot be gone into in this proceedings. Hence, learned Single Judge has rightly given liberty to the appellant to approach the competent Civil Court.

Hence, in the above circumstances of the case, we find that the order of the learned Single Judge does not suffer from any error and no case for interference is made out in this appeal.

The appeal is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

