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05.05.2022
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WPA No.5741 of 2022

Koushik Dalal
Vs.
The State of West Bengal and others

Ms. Pampa Dey (Dhabal)
.... for the petitioner

Mr. Ziaul Islam,
Mr. Arun Kr. Saha
.... for the State

Mr. Om Narayan Rai,
Ms. Sumouli Sarkar
.... for the CESC Limited

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

Learned counsel for the petitioner contends
that, despite a previous order being passed by a
coordinate Bench to shift the location of the existing
meter board at the premises, where the petitioner is a
tenant and running a pharmaceutical shop, subject to
consensus of all concerned, there was no agreement
between all the tenants in terms of the order of the
coordinate Bench and, as such, the shifting could not
take place.

Since the premises are allegedly in a dilapidated condition, in order to avoid physical risk and electrical hazard, the petitioner seeks a new electricity metered connection at the premises by surrendering his existing one.

However, learned counsel for the Distribution Licensee submits that giving a new service connection to the same premises is not possible in view of the already-existing connection.

Moreover, it is admitted by learned counsel for the petitioner that a suit is pending in respect of the property, although the writ petitioner is not a party thereto.

Upon hearing learned counsel for the parties, it is evident that it is not for the CESC Limited or the Distribution Licensee to repair the premises where the electricity meter board is situated but it is for the consumer to provide such accommodation for electricity meters to be installed.

Moreover, since there is an existing meter board from where the petitioner has been enjoying electricity, there is limited or no scope in the present circumstance of getting a new meter, which in any event, shall not serve any useful purpose in view of the nature of the grievance of the petitioner.

The appropriate remedy before the petitioner is to approach the appropriate forum seeking relief in the nature of permission to repair the premises.

Hence, WPA No.5741 of 2022 is disposed of by granting the petitioner leave to approach the appropriate forum (including the competent Controller/civil court) for an order of permission to repair the premises and, subject to such repair, if granted, being carried out, to approach the CESC Limited afresh for new meter, in the event some damage is caused to the existing electricity meters during such repair.

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.)