

30th November,
2022
(AK)
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W.P.A 10001 of 2017

Anjan Mukherjee
Vs.
District Engineer, the CESC Ltd. and others

Mr. Ranjan Kali
Mr. Suraj Bhattacharjee
Mrs. Pampa Pal
Ms. Nabanita Dutta
...for the petitioner.

Mr. Ashok Kumar Jena
...for the CESC Limited.

Mr. Debasis Kar
Mr. Subhajit Chowdhury
...for the private respondents.

Learned counsel for the petitioner relies on the report filed by the CESC Limited and submits that the alternative location for shifting of the meter, proposed by the petitioner and found suitable for giving such electricity connection by the CESC Limited, is sufficient and feasible for shifting of the meter.

Learned counsel appearing for the private respondent no.3, however, disputes the contention that the proposed alternative location of the meter is a common area and submits that the same is situated within the exclusive portion of the petitioner.

Hence, if the shifting is done to the said location, there is justified apprehension of the petitioner resisting

the access of the private respondent no.3 to his own meter.

As such, learned counsel for the private respondent no.3 specifically refutes the prayer of the petitioner.

The stand of the CESC Limited is evidently clear from the report. The CESC Limited has done its duty by indicating that the alternative location pointed out by the writ petitioner is technically suitable for shifting the existing meters.

However, merely being technically suitable does not qualify the said spot to be the alternative location for shifting all the meters, including that of the private respondents.

Upon repeated query of court, learned counsel for the petitioner is not sure as to whether the alternative spot pointed out by the petitioner belongs exclusively to the petitioner or is a common area.

Hence, it transpires *prima facie* that the petitioner is trying to act smart with the court by avoiding the issue as to whether the alternative location pointed out by them belongs exclusively to the petitioner, thereby legitimately raising apprehension of resistance to the access of the private respondent to the said meter board position.

In such view of the matter, since no suitable alternative location has been pointed out by the petitioner, there is no scope of allowing the present writ petition.

Accordingly, WPA 10001 of 2017 is dismissed without any 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.)