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06.06.2022
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WPA No.8760 of 2022

Ratan Saha
Vs.
CESC Limited and thers

Mr. Rajdeep Bhattacharya
.... for the petitioner

Dr. Madhusudan Saha Roy
.... for the CESC Limited

Mr. Mansoor Alam
.... for the State

Mr. Subir Sanyal,
Mr. Sagnik Roy Choudhury
.... for the private respondent no.4

Learned counsel for the petitioner submits that the petitioner, being an aged person, sought for permission from the CESC Limited to install an air conditioner from his existing electricity meter at the premises-in-question, particularly in view of the ongoing sweltering heat wave.

However, since the private respondent is resisting such efforts, no such air conditioner could be installed by the petitioner.

Learned counsel for the CESC Limited submits that there is no hindrance otherwise in giving

necessary permission to enable the petitioner to install an air conditioner, upon enhancing the load, if sought by the petitioner, upon taking adequate measures for installation of a new meter, if necessary, for such purpose.

However, learned counsel for the private respondent no.4 contends that the existing electricity connections at the premises have been taken from a meter board located within the occupied portion of the private respondent no.4. As such, in the event the load is enhanced further, since seven existing connections are already there, it will create a fire hazard for the private respondent as well as the other inhabitants therein.

Moreover, learned counsel for the private respondent raises the question as to whether the petitioner has a right to encroach upon the occupation of the private respondent no.4, in the latter's portion of the property, merely by virtue of seeking to enhance the load.

Upon hearing learned counsel for the parties, it is evident that the petitioner is not seeking to create a new right and/or take a new electricity connection but only to enhance the load for the limited purpose of installation of an air conditioner, from an existing electricity meter. Since the CESC Limited, being the

Distribution Licensee, has no qualms on the issues of safety and security in giving such connection, merely the allegation of the private respondent no.4 as regards disruption of the said respondent's privacy cannot be a relevant factor for allowing the respondent no.4 to take an objection thereto.

Since the petitioner is already enjoying an electricity connection from the existing meter board position, in view of the stand of the CESC Limited that no additional fire hazard would be created by installation of an air conditioner, there cannot be any impediment in granting such liberty to the petitioner.

Accordingly, WPA No.8760 of 2022 is disposed of by directing the CESC Limited to take appropriate measures in terms of the petitioner's application for enhancement of load for the purpose of installation of air conditioner as expeditiously as possible, preferably within a fortnight from this date. Such measures shall include, if necessary, the replacement of the existing meter/sub-meter by a more contemporary one.

It is made clear that in the event the CESC personnel are resisted in doing so by the respondent no.4 and/or his men and agents, it will be open to the CESC personnel to approach the respondent no.3, the Officer-in-Charge, Gariahat Police Station for adequate police assistance in that regard. If so

approached, the respondent no.3 shall act on the written communication of the learned Advocate for the petitioner, coupled with a server copy of this order, without insisting upon prior production of a certified copy thereof and shall grant such assistance at the cost of the petitioner. The police authorities shall be at liberty to break open any padlock or other hindrance in the way of access of the CESC personnel to the existing meter board position, for the limited purpose as indicated above.

It is made clear that in the event the respondent no.4 and/or any of the other consumers in the said building wish to apply for shifting of the electricity meter to some other convenient position, it will be open to the said consumer(s) to apply therefor. If such an application is made, the CESC Limited shall consider the same on its own merits in accordance with law and take appropriate steps in that regard, if otherwise permissible in law and technically feasible.

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.)