

7th September,
2022
(AK)
03

W.P.A 10946 of 2022

Utpal Kumar Das and another
Vs.
The CESC Limited and others

Mr. Sunny Nandy
Mr. Purnendu Maity
Mr. Subha Pathak
Mr. Tamal Singha Roy
...for the petitioners.

Mr. Rajiv Lall
...for the CESC Limited.

Mr. Amit Prokash Lahiri
Mr. Shuvro Prokash Lahiri
...for the State.

Mr. Sakya Sen
Mr. Sunil Kr. Gupta
...for the respondent no.4.

Learned counsel for the private respondent raises an objection to the report filed by the CESC Limited as per previous direction of court to the extent that the CESC has said that technically it is not suitable to install a service line inside a store room.

It is submitted that the private respondent is ready and willing to shift all goods lying in the said store room for the purpose of the installation of all the electric meters there, if necessary.

Moreover, it is contended that although at present there are only two cars parked on the passage where the CESC proposes to install the electricity meters, there may be increase in the number of cars and in effect the entire

passage, which is used as a parking space, shall be encroached by such electricity meter room.

Learned counsel for the CESC Limited submits that this is clearly a private dispute between the petitioners and the private respondent.

It is seen that on both occasions of inspections held by the CESC Limited, the CESC personnel unanimously arrived at the conclusion that the most suitable alternative location is the place where it has been proposed to be shifted in the last report.

Learned counsel for the petitioners seeks a new electricity connection and cannot be deprived forever from getting such meter merely on a technical ground.

Since the CESC itself is of the opinion that the technically feasible best location is the place proposed in the last report, there is no reason why the future probable requirement, if any, of more cars using the passage or the proposed removal of goods by the private respondent from the store room-in-question should be taken into consideration.

The court is not an expert on the issue of technicality of the suitable place for location of electricity meters.

Since it is the CESC Limited which holds such expertise and it has clearly opined fixing a particular position as the alternative location, there is no reason to disturb the same.

Moreover, in paragraph no.2 of the last report, the CESC has clearly indicated that not only since the store room is used for storage of wooden furniture, which is highly inflammable, technically also it is not suitable to install service line inside a store room.

The location, the CESC report states, is not at all easily accessible for installation, testing, commissioning, reading, recording and maintenance of meters with minimum inconvenience and disruptions to the occupiers.

It has been further indicated that there will be a similar problem as the existing service position if the meter is installed in the said store room.

As such, WPA 10946 of 2022 is disposed of by directing the CESC Limited to give electricity connection to the petitioner upon shifting of the existing meters to the location as specified in the CESC report dated September 5, 2022, subject to compliance of all formalities.

Such exercise shall be completed as expeditiously as possible by the CESC personnel. In the event any obstruction is raised by any party, including the private respondent and/or his men and agents to the CESC personnel doing so, it will open to the CESC personnel to approach respondent no.3 for adequate police assistance.

The respondent no.3, that is, the Inspector-in-Charge of the Shyampukur Police Station shall act on the

server copy of this order for complying with the same and provide such assistance to the CESC personnel at the cost of the petitioner.

There will be no 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.)