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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 11130 of 2022

Sushil Kumar Das

-vs.-

The West Bengal State Electricity
Distribution Company Ltd. & Ors.

Mr. Sabyasachi Mukherjee,
Mr. Bibek Dey

...for the petitioner

Dr. Madhusudan Saha Roy

...for the WBSEDCL

Mr. Amitesh Banerjee,
Mr. Suddhadev Adak

...for the State

Supplementary affidavit-of-service filed in Court today be kept on record.

Despite service, none appears for the private respondent. Other parties are represented through counsel.

It appears from the supplementary affidavit of service that due service has been effected on the private respondent. As such, the matter is taken up for disposal in the absence of the private respondent.

Upon hearing learned counsel for the parties it transpires that WBSEDCL was prevented from repairing/replacing the electricity meter of the petitioner, who is a consumer of electricity in the premises-in-

question as the owner/landlord, due to resistance put up by the private respondent/tenant.

Learned counsel appearing for the petitioner contends that the petitioner has already instituted a civil suit for eviction of the private respondent. However, as a backlash the private respondent, it is alleged, was instrumental in damaging/stealing the previous meter of the petitioner.

Learned counsel appearing for the WBSEDCL corroborates such contention of the petitioner insofar as the resistance put up by the private respondent and her men and agents are concerned.

In such view of the matter, since the petitioner is an existing consumer and the repair/replacement of his electricity meter has been necessitated, the writ petition is disposed of in the following manner:

W.P.A. No. 11130 of 2022 is allowed, thereby directing the WBSEDCL to carry out the necessary work required for repairing/replacing the damaged/stolen electricity meter of the petitioner at the petitioner's premises, irrespective of any objection being raised by the private respondent no. 7 and her men and agents, as expeditiously as possible, preferably within two weeks from date.

In the event the WBSEDCL personnel are resisted from doing so, it will be open to the said personnel to

approach the respondent no. 6, the Inspector-in-Charge, Uluberia Police Station, for adequate police assistance.

If such approach is made, the respondent no. 6 shall grant such assistance at the cost of the petitioner immediately.

It is made clear that in the event any padlock is put up and/or hindrance created by the respondent no. 7 and/or her men and agents in the way of access of the WBSEDCL personnel to the existing meter board position, it will be open to the police personnel to break open such padlock and/or remove such hindrance for the limited purpose of carrying out such repair / replacement work.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)