

19th September,
2022
(AK)
01

W.P.A 14944 of 2022
IA No: CAN 1 of 2022

Raju Sharma
Vs.
The Calcutta Electric Supply Corporation Limited and
others

Mr. Soumya Basu Roy Chowdhury
Mr. Sarbananda Sanyal
...for the petitioner.

Mr. Debanjan Mukherji
...for the CESC Limited.

Mr. Swapan Kr. Pal
...for the State.

Learned counsel for the petitioner contends that despite the petitioner/tenant having obtained an injunction order from the civil court restraining the landlord/private respondent from creating any disturbance regarding peaceful possession of the plaintiff/petitioner/tenant over the suit property, the access to the meter room, which is situated in the portion of the landlord, is being denied to the petitioner, whose electricity meter is also standing there.

Hence, it is submitted that appropriate orders be passed in aid of the injunction order, so that the petitioner's electricity meter may be shifted to the portion occupied by the petitioner.

However, such an application cannot be processed by the Distribution Licensee unless the consumers of all the meters affixed at the existing meter board position are shifted together. Piecemeal shifting is not feasible technically.

Hence, if the petitioner is being restrained by the landlord from getting access to the petitioner's electricity meter, it is always open before the petitioner to approach the competent civil court, where his suit is pending, for appropriate relief in that regard.

However, it is beyond the jurisdiction of the writ court to direct shifting of a meter unless all the consumers agree to such shifting.

Hence, WPA 14944 of 2022 is disposed of by granting liberty to the petitioner to approach the civil court for the relief with regard to the alleged denial of access to the petitioner by the private respondent in respect of the electricity meter room at the premises.

The track reports filed today, indicating that the private respondent has been served in the meantime, be kept on record.

CAN 1 of 2022 is disposed of accordingly.

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.)