

AD-10
Ct No.09
06.09.2022
TN

WPA No. 15145 of 2022

Sunanda Basu
Vs.
CESC Limited and others

Mr. Joydeep Acharya,
Ms. Apurba Bose,
Ms. Saheli Mukherjee

.... for the petitioner

Mr. Brotindro Mullick,
Mr. Sudipta Bera

.... for the CESC Limited

Learned counsel for the petitioner contends, by placing reliance on a supplementary affidavit, which is filed in court today with the leave of the court, that initially the CESC Limited had sought to install the electricity meter of the private respondents to take a new electricity connection over the property of the petitioner.

Upon the petitioner having objected, which is recorded in the observations of the CESC Limited itself in its order dated March 29, 2022, an inspection was held and the CESC Limited sought to ascertain any alternative location for installing the electricity meter of the respondents. However, the new location found out by the CESC Limited and earmarked for the shifting of the electricity meter of the respondents is

also located on the property of the petitioner. It is submitted that, hence, the objection taken by the petitioner was not redressed.

Learned counsel appearing for the CESC Limited submits that the matter pertains to a civil dispute between the private parties and there is no scope for the CESC Limited to decide such issue.

In such view of the matter, since the writ court is not the appropriate forum to decide on the dispute on facts, WPA No. 15145 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate having territorial jurisdiction over the area-in-question for resolution the dispute as raised in the present writ petition. If so approached, the District Magistrate shall give an opportunity of hearing to the petitioner, the private respondents as well as the Distribution Licensee and pass appropriate orders in accordance with law, resolving such dispute. Such exercise, expectedly, shall be completed by the concerned District Magistrate within six weeks from the date of reference by the petitioner.

The CESC Limited shall not effect the shifting of the connection to the disputed alternative location prior to a decision being arrived at by the District Magistrate.

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.)