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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 18382 of 2021

Sambhunath Mukherjee
-vs.-
The Station Manager, Chandernagore,
West Bengal State
Electricity Distribution Company
Limited & Ors.

(Via Video Conference)

Mr. Chittapriya Ghosh,
Mr. Samir Kumar Adhikari
...for the petitiorenr

Ms. Gopa Roy
...for the WBSEDCL

Learned counsel for the petitioner, in his usual fairness, hands up a photocopy of a communication on the part of the Distribution Company indicating that the electric meter of the private respondent has been shifted from the outer wall of the petitioner, although after filing the present writ petition with such grievance. Let such photocopy of the communication be kept on record.

Learned counsel appearing for the Distribution Company also places reliance on such photocopy and contends that it was clearly indicated by the Distribution Company that the meter had already been shifted and that no physical damage

was effected on the petitioner's building wall in the process of installing or shifting of such electric meter.

However, learned counsel for the petitioner submits that the petitioner is entitled to damages from the Distribution Company in view of the Distribution Company having initially damaged the wall of the petitioner's property, over and above the reliefs claimed in the writ petition.

It is submitted that since the said additional relief arises from the same chain of events on which the writ petition has been preferred, such relief can be given in the present writ petition itself.

However, it is evident from the writ petition that the limited scope of the writ petition, as framed, was for the Distribution Company to shift the electric meter from the wall of the petitioner, where the same was allegedly installed initially.

In view of such difficulty having been mitigated by the Distribution Company by shifting the meter as per the petitioner's prayer, the present writ petition has already spent its force. However, such a development cannot preclude the petitioner from claiming damages, if any, in accordance with law before the appropriate authority against the Distribution Company.

As such, W.P.A. No. 18382 of 2021 is disposed of by granting the petitioner liberty to approach the appropriate authority for claiming damages/ compensation from the Distribution Company for the purported damage caused to the petitioner's building.

If such an approach is made, the said authority shall decide the issue in accordance with law, without being influenced in any manner by any of the observations made herein, upon giving adequate opportunity of hearing to the petitioner as well as to the Distribution Company and any other person, if interested in the matter, and giving them adequate opportunity to produce documents in support of their respective claims.

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.)