

17.11.2022
sayandeep
Sl. No. 28
Ct. No. 05

WPA 20577 of 2022

Sri Ashutosh Majumdar
-Versus-
Calcutta Electric Supply Corporation Limited & Ors.

Mr. Swarup Paul
Mr. Guru Saday Dutta
Mr. Anish Roy

.....for the petitioner

Mr. Debanjan Mukherjee

..... for the CESC

Mr. Swapan Kumar Pal

.....for the State

The petitioner prays for a direction on CESC to shift the meter of the petitioner to a portion of the premises which is the occupation of the petitioner from the premises which is in occupation of the private respondent No. 3.

The prayer is similar in pursuant to an earlier writ petition filed by the petitioner in 2012 by which the learned Judge, as Her Ladyship then was, directed the CESC to shift the petitioner's meter to the portion of the premises which is an occupation of the petitioner without causing any disturbance to the occupation of the private respondents or his meter.

According to learned counsel appearing for the respondent Nos. 1 and 2, CESC could not carry out the direction in the aforesaid order as the meter was kept in

a room under lock and key. This was communicated to the petitioner on 13th July, 2021.

The complaint is essentially that the private respondent has not left the common premises for the last six years but has kept the meter under lock and key by reason of which CESC is unable to access the meter. The petitioner in the meantime has been given bills on the basis of average consumption of electricity. Learned counsel appearing for the petitioner submits that the petitioner should have access to the meter and CESC should ascertain the actual consumption of the electricity by the petitioner.

The earlier order records that the private respondent was represented before the learned Judge taking this matter on 12th September, 2022. Hence the private respondents have notice of the writ petition.

WPA 20577 of 2022 is accordingly disposed of with a direction on the respondent No. 4, namely, the Officer-in Charge, Regent Park Police Station to break open the padlock of the room/premises in which the meter is presently located. CESC shall thereafter shift the meter into the portion of the premises where the petitioner can have access to the meter. The direction shall be carried out within a fortnight from date. The direction shall also be carried out by CESC subject to all requisite formalities being complied with by the

petitioner and upon payment of necessary charges if any. CESC will be at liberty of seeking police assistance in the event there is any resistance to carry out the directions. It is also made clear that the petitioner shall not take any steps for keeping the meter under his exclusive control.

(Moushumi Bhattacharya, J.)