

D/L. 37.
November 11, 2022.
MNS.

WPA No. 20730 of 2022

Sri Kshitish Debnath
Vs.
The CESC Limited and others

Mr. Gunjan Shah,
Ms. Rituparna Bhadra

... for the petitioner.

Mr. Debanjan Mukherjee

...for the CESC Limited.

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

Despite several attempts to serve, none
appears for the private respondents, although the
petitioner and the CESC Limited are represented
through counsel.

Learned counsel for the petitioner argues
that the petitioner is being unnecessarily resisted
by the private respondents from constructing a
new meter room as required by the CESC Limited
for shifting the petitioner's electricity meter. The
present predicament of the petitioner is that the
said electricity meter, although standing in the
name of the petitioner, is situated within the living
quarters of the private respondents, who are

creating nuisance in several respects in that regard. As such, the petitioner prays for shifting of the electricity meter to the petitioner's room.

However, subsequently, upon the CESC Limited having indicated in their report that a meter shed is required to be built in the common area to avoid safety hazards in shifting the meter, learned counsel for the petitioner submits that necessary directions be passed by this Court as against the private respondents so that they do not disturb the petitioner in so constructing.

Inasmuch as the petitioner's right to enjoy electricity is concerned, the same is not being hampered directly at present, since the petitioner is enjoying electricity connection, although the meter might be situated inconveniently within the living quarters of the private respondents. However, in the event the petitioner is allowed to construct a new meter room, the same will tantamount to adjudicating upon the civil disputes between the petitioner and the private respondents, inasmuch as the same has a direct bearing on the corpus of the property is concerned. Such direction is beyond the scope of the writ jurisdiction and within the domain of the competent civil court.

Upon query, it is revealed by learned counsel for the petitioner that a partition suit is pending, which has been decreed in preliminary form.

Hence, the petitioner has and had ample scope to approach the civil court for necessary interlocutory orders to ensure that the petitioner can build the meter room for the purpose of shifting of the electricity meter.

Hence, WPA No. 20730 of 2022 is disposed of in the light of the report filed by the CESC Limited, granting liberty to the petitioner to seek an appropriate interlocutory order from the civil court, where a partition suit is pending between the parties after preliminary decree, for the purpose of constructing a meter room as indicated by the CESC Limited in order to have the petitioner's electricity meter shifted. If so approached, the said court will decide the same independently without being influenced in any manner by any observation made herein and upon giving adequate opportunity of hearing to the parties therein.

In the event the petitioner succeeds in getting an order to that effect from the civil court, it will be open to the petitioner to approach the

CESC Limited afresh for shifting of the electricity meter. If so approached, the CESC Limited shall undertake such shifting of meter subject to compliance of all formalities by the petitioner.

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.)