

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 22788 of 2022

Asit Kumar Sarkar
Vs.
The CESC Limited & Ors.

Mr. Lalratan Mandal,
Mr. Dilip Kumar Sadhu
...for the petitioner

Mr. Debanjan Mukherji
...for the CESC Limited

Mr. Susanta Pal,
Ms. Rupsha Chakraborty
...for the State

Mr. Chhandak Dutta
...for the private respondent

Upon hearing learned counsel for the parties, it is evident that the petitioner is the present owner of the disputed property upon transfer.

In the past, there were alleged attempts by the petitioner to have the electricity meter transferred in the petitioner's name, without seeking any leave or permission from the private respondent. Thus, the private respondent opposes such prayer for the present re-transfer of name on the ground that the previous transfer of the name in connection with the electricity

connection was lastly reversed in favour of the private respondent.

Learned counsel appearing for the CESC Limited contends, inter alia, that the CESC Limited does not have any objection in principle to retransfer the name in respect of the electricity meter in favour of the petitioner, however, upon disconnection of the old one.

Since the private respondent, in any event, does not seek disconnection of the electricity supply in his name but, admittedly, the petitioner is the present owner and occupier of the premises, there cannot be any reason in law or equity for the private respondent to withhold the consent to transfer the name of electricity meter in favour of the petitioner.

Hence, to resolve the dispute once and for all, W.P.A. No. 22788 of 2022 is disposed of by directing the CESC Limited to carry out a transfer of the name of the electricity meter to that of the petitioner, instead of its present consumer, irrespective of any consent/permission being given to that effect by the private respondent or by dint of the order of this Court, subject to compliance of all due formalities by the petitioner.

This order is being passed for the reasons as aforesaid and will not otherwise adversely affect the civil rights and contentions of the parties.

The CESC Limited will carry out such transfer of name and take an inspection of the electricity meter concerned for such purposes, if necessary.

In the event any obstruction is raised by the private respondent and/or his men and agents for the CESC personnel in holding such inspection or having access to the existing meter board position, it will be open to the CESC personnel to approach the respondent no. 4, that is, the Officer-in-Charge, Chetla Police Station, for police assistance.

If so approached, the respondent no. 4 shall act on the written communication of the learned Advocates for the parties, accompanied by a server copy of this order, and grant such assistance to the CESC personnel, at the cost of 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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)