

AD-09
Ct No.09
23.11.2022
TN

WPA No. 25006 of 2022

M/s. K.K. Commerce & Steel Industries and another
Vs.
The C.E.S.C Limited and others

Mr. Ayan Banerjee,
Mr. Suman Banerjee

.... for the petitioners

Ms. Sreemoyee Mitra

.... for the CESC Limited

Mr. Subrata Ghosh,
Mr. Abdus Salam

.... for the State/respondent no.3

Ms. Sutapa Sanyal,
Ms. Sushmita Kumari Singh,
Mr. Anit Chowdhury

.... for the private respondent nos.4 to 6

Learned counsel for the petitioner contends that due to resistance put up by the private respondent nos. 4 to 6 and their men and agents, the CESC Limited is not being able to repair/replace an existing electricity meter of the petitioners even after the same was damaged accidentally.

Learned counsel appearing for the private respondents submits that a ruckus is created every time when the petitioners seek access to the present meter board position. It is further submitted that due to an accident arising out of the issue of water logging of the area where the meter boards were originally

situated, all the meters became damaged. As such, the private respondents took an initiative and had their meter shifted to a position within the premises of the private respondents. It is submitted that in the event the electricity meter of the petitioners is repaired/replaced and restored, the risk of fire hazard will remain in and around the premises.

On such apprehension, it is submitted that the CESC Limited be directed to explore the possibility of shifting the existing meter of the petitioners as well to a safe position.

Learned counsel for the CESC Limited submits that the CESC personnel need access to the existing meter of the petitioners to carry out the necessary repair/replacement works.

That apart, in the event any shifting of the meter is asked for by way of a formal application, the CESC Limited shall definitely process the same in accordance with law and upon holding necessary inspection, if necessary.

Upon hearing the contentions of the parties, WPA No. 25006 of 2022 is disposed of by directing the CESC Limited to repair/replace the existing electricity meter of the petitioners immediately, preferably within a week from date, subject to compliance of necessary

formalities for such repair/replacement by the petitioners.

In the event any obstruction is created by the private respondents, the CESC personnel shall be at liberty to approach the respondent no.3, the Inspector-in-Charge, Belur Police Station for granting adequate police assistance for the purpose of granting access to the CESC personnel at the existing meter board position for the limited purpose of repair/replacement of the petitioners' existing electricity meter.

The costs for such police help shall be borne by the petitioners.

However, in the event the private respondents have any grievance as regards safety hazard or security of their own premises due to the existing location of the electricity meter of the petitioners, the private respondents will be at liberty to approach the CESC Limited with such grievance. If such a grievance is ventilated, the CESC personnel shall look into the same in accordance with law, if necessary upon taking an inspection on notice to the concerned persons, and redress the issue so far as feasible.

It is clarified that the mere action of the CESC personnel in repairing/replacing the petitioners' electricity meter shall not operate as or create a

special right or equity in favour of the petitioners, which the petitioners otherwise do not have in law.

It is expected that both the petitioners and the private respondents shall cooperate in the CESC personnel replacing or repairing the existing meter of the petitioners.

The police report, filed today by learned counsel for the State, be kept on record.

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.)