

14th December,
2022
(AK)
07

W.P.A 26324 of 2022

Subrata Shaw
Vs.
The CESC Limited and others

Mr. Rabindranath Pradhan
...for the petitioner.

Mr. Debanjan Mukherjee
...for the CESC Limited.

A report filed pursuant to the court's direction by the CESC Limited today indicates that the private respondent no.5, from whose meter the petitioner had been enjoying electricity previously, has sold the flat-in-question to the writ petitioner.

It is also mentioned therein that the CESC Limited received a notice on December 5, 2022 from the Nager Bazar Police Station wherein it was mentioned that a complaint has been lodged by Ms. Aparajita Chakraborty, private respondent no.5 against the writ petitioner and the private respondent no.6.

In view of the statement made in paragraph no.6 of the report of the CESC Limited to the effect that the private respondent no.5 has already sold the flat at the premises to the writ petitioner, there cannot be any further impediment in transferring the electricity meter in the name of the petitioner, alternatively, to install a new

meter upon removal of the previous one by the CESC Limited.

It appears from the notice given purportedly to the District Engineer, Northern District, CESC Limited by the Nager Bazar Police Station says that the complaint lodged by Ms. Aparajita Chakraborty relates to a dispute of property hand over at the premises-in-question.

It is further mentioned in the said notice that the said complainant had intimated the CESC Limited that the hand over of the property had not taken place as per the rule of law, so she requested the CESC Limited not to give permission to the petitioner, the purchaser of the flat, to install a new electric meter in arrangement at the said property.

Despite there being a civil dispute with regard to allegations made by the private respondent no.5 against the writ petitioner as regards the transfer of the property, it is not in dispute that the petitioner is at present in occupation of the premises, in view of the CESC Limited itself having taken a stand that the private respondent no.5 has sold the flat-in-question (no.3A) to the writ petitioner.

Hence, even without going into the civil dispute between the private respondent no.5 and the petitioner as well as private respondent no.6, the petitioner, as an occupant, is entitled to get electricity connection at the premises.

Accordingly, WPA 26324 of 2022 is disposed of by directing the CESC Limited to remove the existing electricity connection at the premises for the purpose of catering to Flat No.3A, which is at present existing in the name of the respondent no.5, and to install a fresh electricity meter for giving the electricity supply to the writ petitioner at the existing meter board position.

Such formalities shall be completed within three weeks from date or within three weeks after compliance of all formalities by the petitioner, whichever is later.

In the event any hindrance is put up by the private respondents in the CESC Limited giving such connection and/or disconnecting the previous connection at the premises, it will be open to the CESC personnel to approach the local Police Station, that is, the Dum Dum Police Station for adequate police assistance.

If so approached, the respondent no.4, the Officer-in-Charge of the said Police Station, shall give such assistance to the CESC personnel at the cost of the petitioner for undertaking the job as indicated above.

In the event any padlock or other hindrance is put up by the private respondents and/or their men and agents in the CESC personnel doing so, it will be open to the police to break open such padlock or hindrance to implement the above direction.

Copies of the report and the notice filed in court today be kept on record.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)