

15th December,
2022
(AK)
06

W.P.A 26742 of 2022

Souma Roy
Vs.
Calcutta Electric Supply Corporation Limited and another

Mr. Shounak Mukhopadhyay
Mr. Anupam Ghosh
Mr. Roumyadip Saha
Ms. Rimpa Das

...for the petitioner.

Mr. Srijan Nayak

...for the CESC Limited.

Learned counsel for the petitioner contends that the petitioner never objected to or obstructed installation of the new meter of the private respondents by the CESC Limited.

However, the CESC Limited disconnected the petitioner's electricity supply at the premises without any rhyme or reason, on the allegation that the access of the CESC personnel was prevented by the petitioner.

It is contended that Regulation 55 of the WBERC in Clause 8.4 envisages that a disconnection can be effected in the event access to the meter board is not given by any consumer.

However, in the absence of any such obstruction being raised by the petitioner, the disconnection was patently illegal.

Learned counsel appearing for the Distribution Licensee, on instruction, submits that the disconnection

was effected because, despite several attempts of the CESC personnel to install a meter in favour of the private respondent as per direction of the District Consumer Forum, Howrah, such access was not being given by the present petitioner.

As such, the petitioner's security deposit was also returned, and a communication was made to the petitioner on November 22, 2022 (Annexure-P10 at page-64 of the writ petition), wherein the reasons for such disconnection were clearly disclosed.

It is seen from paragraph no.16 of the writ petition that the petitioner has denied having any role to play in the alleged obstruction offered to the installation of the private respondent's meter by the CESC Limited at any point of time.

The petitioner, in fact, has disowned being present in the premises at the relevant point of time.

Although the CESC Limited has alleged that the husband of the petitioner had given out that he has preferred an appeal against the order of the District Commission directing connection to be given to the private respondents, the same does not acquire much relevance in the context of the specific submission made by learned counsel for the petitioner, on instruction from his client, that the petitioner and/or her husband or other family members shall not obstruct the CESC personnel in any manner from having due access to the

existing meter board position at the premises, for the purpose of giving a new meter to the private respondent pursuant to the order of the District Forum at Howrah or otherwise. Thus, the disconnection of the petitioner's supply ought not to be continued any further.

Hence, WPA 26742 of 2022 is disposed of by directing the CESC Limited to restore the electricity supply of the petitioner, subject to the petitioner complying with all due formalities, including making the necessary payments required by law in that regard, within a week from the date of such compliance by the petitioner.

The petitioner and/or her men and agents, including her husband and other family members, are restrained by an order of injunction from preventing the access of the CESC personnel to the existing meter board position at the premises for any lawful purpose whatsoever.

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.)