

ORDER SHEET
WPO/2986/2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

M/S BIRESWAR DUTT ESTATES PVT LTD. AND ANR
VS
CESC AND ORS

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 29th November, 2022.

Appearance:
Ms. Sipra Majumder, Adv.
. . .for the petitioner.

The Court: Learned counsel for the petitioners submits that despite having written a letter to that effect, the CESC Ltd. has not yet transferred the existing electricity meter at the petitioners' premises in their name on the ground that no 'no objection certificate' has yet been deposited.

It is submitted by learned counsel that the petitioners, being the landlord, had obtained an ex parte decree of eviction against the erstwhile consumer/tenant, which has attained finality.

It is borne out by the records that, vide order no.21 and ex parte decree dated February 13, 2017, the petitioners obtained a decree of eviction against the erstwhile consumer/tenant as such, there cannot be any impediment in granting the transfer as requested by the petitioners.

Learned counsel for the CESC Ltd., however, points out that no online application has been made in proper format as yet for the transfer.

In the light of the above circumstances, WPO 2986 of 2022 is allowed, thereby granting liberty to the petitioners to make an online application in proper format for having the name in the electricity meter at the premises-in-question transferred in the name of the petitioners. If such an application is made, the CESC Ltd. shall process the same in accordance with law and, subject to compliance of requisite formalities including the deposit of the required fees, grant such request for transfer in favour of the petitioners, irrespective of whether the petitioners produce any no objection certificate from the tenant, in view of the peculiar circumstances of the case.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

SP/