

14th March,
2023
(AK)
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W.P.A 5323 of 2023

Dipak Sharma
Vs.
CESC Limited and others

Mr. Indranil Halder
Ms. Srabanti Das
Ms. Neha Singh

...for the petitioner.

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

Mr. Arabinda Manna
...for the respondent no. 5.

Learned counsel for the petitioner submits that after being referred to the Grievance Redressal Officer (GRO) by an order of this court, the petitioner approached the said authority, upon which an order was passed by the concerned GRO on December 2, 2022 to the effect that the petitioner was given liberty to file a fresh application in his own name for a domestic loop meter at the premises-in-question and thereafter, upon receiving such application, directing the licensee company to proceed with installation of a new meter at the existing meter board position in favour of the petitioner, subject to removal of the existing meter bearing no.6187248 standing in the name of Mr. Abhay Kumar Gupta (landlord/private respondent) at the same premises, “provided all compliances and consents have been duly met and obtained by the concerned parties”.

However, subsequently, due to objection raised by the landlord/private respondent, such connection is not being given by the CESC Limited.

Learned counsel appearing for the landlord/private respondent submits that rent is due from the petitioner to the private respondent/landlord which is required to be cleared by the petitioner.

Learned counsel appearing for the Distribution Licensee submits that on expiry of 180 days from previous disconnection of the meter standing in the name of the landlord, upon the same being surrendered by the landlord, the prior contract of the licensee with the landlord has already expired.

As such, no further consent is required from the landlord in that regard.

Upon hearing learned counsel for the parties, it is seen that the primary grievance of the landlord is regarding the alleged non-payment of rent by the petitioner.

However, such issue cannot be redressed within the limited scope of the present writ petition.

Since the CESC Limited has submitted that the contract between the CESC Limited and the erstwhile consumer Mr. Abhay Kumar Gupta, the landlord, has expired after the efflux of 180 days from disconnection and keeping in view the fact that the private respondent/landlord himself sought a surrender of his

previous meter, there cannot be any further requirement of consent from the landlord in that regard.

Hence, WPA 5323 of 2023 is disposed of by directing the CESC Limited to remove the existing previous electricity meter standing in the name of the private respondent at the premises and to install a new electricity meter for giving electricity connection to the present petitioner as expeditiously as possible, preferably within a fortnight from the date of compliance of all formalities by the petitioner in that regard and/or from this date, whichever is later.

In the event any obstruction is faced by the CESC personnel in doing so, it will be open to the said personnel to approach the respondent no.4, the Officer-in-Charge of the Parnashree Police Station, who will give adequate assistance at the cost of the petitioner for such purpose.

In the event any padlock or other hindrance is put up to prevent the access of the CESC personnel to the existing meter board position at the premises for the purpose of giving such new connection to the petitioner and removal of the old meter from the end of the private respondent no.5 and/or his men and agents, it will be open to the police personnel to remove such padlock/hindrance for the limited purpose of giving access to the CESC personnel to comply with the directions of this court.

The parties shall act on the server copy of this order, without insisting upon prior production of a certified copy thereof.

Nothing in this order shall prevent the private respondent/landlord from taking out appropriate proceedings before the competent forum for recovery of alleged rent, if due.

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.)