

D/L. 7.
April 11, 2023.
MNS

W.P.A 6939 of 2023

Sri Susanta Roy
Vs.
West Bengal State Electricity Distribution Company Limited
(WBSEDCL) and others

Mr. Sarajit Sen,
Mr. Tapas Singha

...for the petitioner.

Ms. Suvasree Ghose

...for the WBSEDCL.

Mr. Tanmoy Mukherjee,
Mr. S. Das
Mr. K.R. Ahmed
Mr. Rudranil Das

...for the private respondent.

The dispute arising in the present case is whether the existing electricity meter of the private respondent is now situated within the portion of the property-in-question which has been allocated to the petitioner after partition.

While the petitioner reiterates that such meter is situated on the portion which falls under the ownership of the petitioner at present after partition and the petitioner's development work in respect of the premises is being hampered unnecessarily due to non-shifting of the meter to the portion of the private respondent, learned counsel for the private respondent opposes such contention and submits that the electricity meter of the private respondent is actually situated within the tenanted portion of the private respondent.

It is further submitted that in this manner, the petitioner is seeking to oust the private respondent from the tenanted property.

Such contention is disputed by learned counsel for the petitioner.

It transpires from the submission of counsel that two civil suits are at present pending between the parties. In the suit filed by the petitioner, where the private respondent is also a party, an injunction order was passed restraining the private respondent from disturbing the construction work of the petitioner.

However, the report filed by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) does not indicate anything as regards whether the meter is situated on the petitioner's or the private respondent's portion. Let the said report be kept on record.

Although the petitioner seeks a further inspection for ascertainment by the WBSEDCL on such issue, in the opinion of the Court, the WBSEDCL is not the appropriate authority in law to determine such issue conclusively.

Hence, there is no scope of directing forcible shifting of the meter of the private respondent at the present juncture. However, needless to say, it is always open to the petitioner to approach the civil court(s), where two suits are pending between the parties, for appropriate orders in that regard.

In the alternative, the petitioner will also be at liberty to approach the concerned District Magistrate having territorial

jurisdiction with the dispute regarding shifting of meter, if the petitioner so chooses.

If such approach is made, the District Magistrate shall give an opportunity of hearing to all concerned, including the present parties, and decide the issue in accordance with law, as expeditiously as possible, preferably within eight weeks from such reference being made.

It is, however, made clear that the merits of the respective contentions of the parties in the pending suit have not been entered into by this Court.

WPA No. 6939 of 2023 is disposed of in the light of the above observations.

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.)