

ML-10
Ct No.09
02.05.2023
TN

WPA No. 8010 of 2023

Kousik Paul and another
Vs.
C.E.S.C Limited and others

Mr. Kishore Mukherjee
.... for the petitioners

Mr. Debanjan Mukherji
.... for the CESC Limited

Mr. Tanmoy Mukherjee,
Mr. Rajkrishna Mondal,
Mr. Souvik Das,
Mr. K. Raiham Ahmed,
Mr. Rudranil Das
.... for the respondent nos. 4 to 6

The primary grievance of the petitioners in the present writ petition is that despite there being an agreed clause in a registered partition deed between the private parties to the effect that the private respondents shall shift their meters to their allocated portion of the property after the partition, such meters are still lying in the portion occupied by and allotted to the petitioners.

It is contended, by placing reliance on the relevant clause in the partition deed, that the private respondents are duty-bound to shift their meters, which has not yet been done.

Learned counsel for the private respondents takes the stand on instruction that even as per the partition deed, the petitioners are to bear the expenses for such shifting. However, in principle, the private respondents do not have any objection to their meters being shifted to the proposed new location within their own allocated portions, where a new service connection shall be given. The private respondents are also agreeable to make, through one of themselves, an application for getting a new service connection at the proposed new location and the other two shall jointly make an application for shifting the existing meters from the portion of the writ petitioners to the private respondents' allocated portion.

A new issue has been raised by virtue of the report filed by the CESC Limited, however. It is pointed out by the CESC Limited that the existing meter room position, where both the petitioners and the private respondents' meters are located, also houses the meters of two other persons, namely, one Himansu Rakshit and one Ashoke Kr. Bose.

Learned counsel for the petitioners submits that inasmuch as Ashoke Kr. Bose is concerned, he has expired some time back.

Learned counsel for the private respondents submits on instructions that a relative of Ashoke Kr.

Bose, who is now living in the property, is inclined to apply for transfer of her name in place of Ashoke Kr. Bose with regard to the meter standing in the name of the said deceased at the existing meter room.

Insofar as Himansu Rakshit is concerned, however, none of the parties takes responsibility for his meter.

The entire issue now sought to be raised by the CESC Limited can be resolved, keeping in view the limited scope of the present writ petition, since neither Himansu Rakshit nor Ashoke Kr. Bose or his heir are parties to the present writ petition. Jana Bose, Sucharita Bose and Bhaswati Bose are the three private respondents, respectively respondent nos. 4, 5 and 6 in the present writ petition, who are represented through counsel as well.

The petitioners' grievance is only against the private respondents who are parties to the present writ petition. As such, whatever order is passed in the present writ petition has to be confined to the parties thereto and cannot extend to the others whose meters might be located at the existing position.

Hence, in view of the submissions made by the parties, WPA No. 8010 of 2023 is disposed of, without costs, with the directions as given below:

- (i) One of the private respondents among private respondent nos. 4, 5 and 6 shall apply within a week from date for getting a new service connection at the proposed new location of meter room as cited in the draft sketch map annexed to the report of the CESC Limited, which is a part of the present record.
- (ii) The other two private respondents shall apply for shifting of their respective electricity meters from the existing service position of holding nos. 319A and 319B to the proposed service position of holding no. 319A as per the said sketch map within a week thereafter.
- (iii) Upon the application for service connection being made, the CESC Limited will raise due quotation in the name of the applicant for such connection. Such quotation shall be raised within a week from making the application for service connection.
- (iv) Upon presentation of the said quotation or a copy thereof to the petitioners, the petitioners shall duly pay such amount to the CESC Limited in the name of the

applicant for service connection immediately thereafter. Upon such quotation amount being paid and formalities being complied with by the applicant, the new service connection shall be given by the CESC Limited at the earliest thereafter to the applicant. Such service connection, it is expected, shall be given within a fortnight from the date of compliance of the formalities.

- (v) As far as the application for shifting of the existing meters is concerned, such application shall be processed and a quotation raised in that regard within a week from the filing of the said application. Upon such quotation being raised, the applicants therein shall place the same and/or a copy thereof before the petitioners, on which the petitioners shall pay the requisite amount to the CESC Limited in the name of the said applicant immediately thereafter. Upon compliance of such formalities, the shifting will be effected by the CESC Limited within a fortnight from such compliance of formalities.

- (vi) It is further clarified that the CESC Limited will be at liberty to disconnect the now-existing electricity meter standing in the name of the applicant for the new service connection after giving such new service connection to the said applicant.

(Sabyasachi Bhattacharyya, J.)