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03.05.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 10294 of 2023

Sunanda Basu
-vs.-
CESC Limited & Ors.

Mr. Joydeep Acharya,
Ms. Saheli Mukherjee
...for the petitioner

Mr. Brotindro Mullick,
Ms. Poulami Paul Maity
...for the CESC Limited

Mr. Milan Kumar Maity
...for the State

The predicament in the present case is rather peculiar. The petitioner sought for the electricity meter of the private respondents to be shifted to the private respondents' portion of the property.

Ultimately, vide order dated December 23, 2022, the District Magistrate, South 24-Pargans, directed the CESC Limited to shift the meter from its existing place to the proposed alternative site at the balcony of the house of the private respondents.

However, such shifting has not yet been done according to the petitioner.

Learned counsel appearing for the CESC Limited submits that, in accordance with the extant Rules and Regulations, the private respondent, in whose name

the meter-in-question is standing, is required to pay the shifting charges, which has not yet been paid by the private respondents, for which the shifting could not be done.

It is clear in the light of the facts of the present case that the private respondents are not interested to such shifting, which is being done under the purview of the order of the District Magistrate, South 24-Parganas vide order dated December 23, 2022 and, as such, in the event the CESC Limited awaits payment of the shifting charges by the private respondents, the order of the District Magistrate shall never be implemented.

In such view of the matter, since the petitioner is agreeable to deposit the necessary shifting charges, there cannot be any hindrance in implementing the order of the District Magistrate.

Accordingly, W.P.A. No. 10294 of 2023 is disposed of by directing the writ petitioner to deposit the necessary shifting charges within a fortnight from date. Upon such payment being made, the CESC Limited shall implement the order of the District Magistrate dated December 23, 2022 by shifting the meter of the private respondents to the proposed alternative site within a fortnight thereafter.

In the event any resistance is offered by the private respondents to prevent the CESC personnel in doing so, in consonance with the order of the District

Magistrate, it will be open to the CESC personnel to approach the Officer-in-Charge of the Patuli Police Station (respondent no. 5) for police assistance, which will be given by the respondent no. 5 by acting on a server copy of this order as well as a copy of the District Magistrate's order, at the cost of the petitioner.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)