

AD-05
Ct No.09
18.05.2023
TN

WPA No. 11678 of 2023

Bina Ghosh
Vs.
CESC Limited and others

Mr. Shyamal Kumar Mukherjee,
Ms. Sreeparna Ghosh
.... for the petitioner

Dr. Madhusudan Saha Roy
.... for the CESC Limited

Ms. Karabi Roy
.... for the State

Mr. Rajdeep Bhattacharya,
Mr. Sanjib Sankar Majumder
.... for the respondent no.5

The petitioner is the step-daughter of the private respondent no.5. When the petitioner applied for a new electricity connection in her name at the premises-in-question, where both the said parties reside, the respondent no.5 raised an objection on the premise that the existing electricity meter is situated within the bedroom of the respondent no.5. As such, if a new metered connection is given to the petitioner from there, the privacy of the respondent no.5 will be directly affected.

Learned counsel for the CESC Limited contends that the meter board could not be inspected due to

resistance put up by the private respondent no.5 and her men and agents, which has been intimated to the parties by letter.

A copy of the said letter, filed today in court, be kept on record.

The contention of the petitioner, on the strength of Section 43 of the Electricity Act, 2003, is that, as an occupant, she is entitled to an independent electricity connection at the premises. Upon query of court, learned counsel for the CESC Limited agrees to the meter being shifted to an alternative common location, subject to availability of such location at the premises. Upon further query, it is submitted by learned counsel for both the petitioner and the private respondent no.5 that the said parties are willing to bear equally the expenses for shifting of the existing meter board position containing the meter of the respondent no.5 and about to contain the meter of the petitioner, to some existing common position at the premises.

Hence, there cannot be any further impediment in doing so.

Accordingly, WPA No. 11678 of 2023 is disposed of by directing the CESC Limited to hold an inspection within a week from date, upon further prior notice to both sides, for the purpose of ascertaining a common

location for shifting the existing meter board of the premises.

Such inspection shall be held in presence of both the parties and/or their representatives.

Upon such inspection, if found feasible, the CESC Limited shall shift the existing electricity service connection at the premises from inside the bedroom of the private respondent no.5 to some external location within the premises, which is a common location according to both the parties. Such exercise shall be completed upon a due application in that regard being made by the petitioner or the private respondent no.5 and/or both jointly, which also has to be made within a week from date.

Upon the compliance of all formalities by the petitioner as well as the private respondent no.5, the shifting will be completed and simultaneously a new electricity connection shall be given to the petitioner by the CESC Limited, the entire work being mandatorily completed within three weeks from the date of compliance of all due formalities by the petitioner and/or the private respondent no.5.

It is made clear that in the event the private respondent no.5 does not cooperate in such shifting charges being paid, after dividing the same equally between the petitioner and the respondent no.5, the

petitioner will be at liberty to deposit the entire amount and recover the same in due process of law subsequently from the respondent no.5. However, such technical issue should not be an impediment to the compliance of the direction of this court.

In the event any obstruction is raised from any quarter to the CESC Limited personnel undertaking the job as indicated above, it will be open to the CESC personnel to approach the respondent no.4, that is, the Officer-in-Charge, Charu Market Police Station for adequate police assistance, which will be given by the respondent no.4 upon acting on a server copy of this order at the cost of the petitioner. If, for such purpose, any padlock or other hindrance is required to be removed, it will be open to the police personnel to remove such padlock or other hindrance for the purpose of implementing the direction of the court.

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.)