

07 14.08.2023
NB Ct. 14

WPA 14150 of 2023
CAN 1 of 2023

M/s. M. D. Creations & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Bhagbat Chaudhuri,
Mr. M. A. Zinna,
Mr. Rittick Chowdhury,
Mr. S. K. Poddar.
...for the petitioners.

Mr. Somnath Ganguli Ld.AGP,
Mr. Sujit Chatterjee
.... for the State.

Ms. Debjani Mukherji.
...for the CESC Ltd.

Mr. Farhan Ghaffar.
...for the respondent no.4.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to provide assistance to the petitioners so as to enable them to have access to the meter room and get the electric wires connecting the petitioners' electric meter to the said shop room repaired and to conduct investigation into the petitioners' complaints dated 04.05.2023 and 21.05.2023 regarding the theft to two outer units of air conditioning machines.

Report filed by the CESC Ltd. is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner is a tenant of a shop room which is owned by the respondent nos.4 and 5. In May, 2023 it was suddenly found that the outer portion of the two air

conditioning units belonging to the petitioners installed at the shop room were taken away. In June, 2023 suddenly the electricity connection in the shop went off. When the petitioners enquired with the owners, they were told that there were some sparks. That is why the electricity was disconnected. Actually, the private respondents are causing mischief by illegally disconnecting the electricity to the petitioners' shop.

Learned counsel appearing on behalf of the private respondents, upon instruction, submits that there were sparks in the meter and the electricity connection did not come through any more. Earlier, cooperation could not be rendered to the electricity authorities because the keys were with the association. However, after a direction was passed by this Court, the CESC Ltd. inspected the meter.

Learned counsel appearing on behalf of the CESC limited relies on the report and submits as follows. From an inspection carried out on 10.08.2023, it was found that there was an incident of fire, which had taken place at the electricity meter. Supply has got disconnected. It can be restored upon compliance of all statutory formalities and payment of necessary charges from the consumers including the submission of Test Certificate, signed by Licensed Electrical Contractor, Government of West Bengal. On the day the CESC Ltd. would go to reconnect the electricity upon compliance of such formalities, and upon a notice of 48 hours, the Officer-in-Charge, Shakespeare Sarani Police Station may make necessary police arrangements, so that the same may be done smoothly.

Therefore, it is directed that for having the Test Certificate from a Licensed Electrical Contractor, Government of West Bengal, the petitioners should be granted access to the meter by the private respondents and/or the concerned owners' association.

If the petitioners want to replace their air condition machines, they shall be at liberty to do so.

Upon compliance of necessary formalities as above referred, the CESC Ltd. shall reconnect electricity to the shop with police help as mentioned above.

The police shall be entitled to break open a barrier, if necessary.

With these observations, the writ petition is disposed of without any costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)