

D/L. 10.
August 10, 2023.
MNS.

WPA No. 18133 of 2023

Rup Narayan Agarwal
Vs.
The CESC Limited and others

Mr. Srijib Chakraborty,
Mr. Aditya Mondal,
Mr. Deepangshu Kar

... for the petitioner.

Ms. Sreemoyee Mitra

...for the CESC Limited.

Mr. Suddhasatva Banerjee,
Ms. Akanksha Mukherjee

...for the respondent no.3.

Mr. Saptarshi Datta,
Ms. Srinjita Ghosh,
Mr. Pourush Kanti Pal

...for the respondent no. 4.

Learned counsel for the petitioner contends that the petitioner has been enjoying electricity connection in the premises and has been using the same commercially. However, subsequently, cause of action of the present writ petition arose by way of an enquiry being held by the CESC Limited at the premises, apparently for giving a new connection.

It was disclosed to the petitioner on enquiry that the name of the applicant, at whose behest the enquiry was held, was the deceased father of the petitioner. It is submitted that petitioner never applied for any shifting or new connection and, as such, the said enquiry in the name of the deceased father of the petitioner is patently *de hors* the law.

Learned counsel appearing for the respondent no. 3 / landlord submits that the said respondent had not made any application in the name of the deceased father of the petitioner. However, it is argued that the petitioner has no right in law to carry on enjoying electricity from the connection in the name of his deceased father.

Learned counsel appearing for the respondent no.4/developer submits that the development activity is going on in a completely different part of the premises-in-question than that which is occupied by the petitioner.

However, it is submitted by both the respondent nos. 3 and 4 as well as the CESC Limited that the present condition of the meter room housing the electricity meter of the deceased father of the petitioner is extremely

dilapidated and precarious and, as such, the same is required to be repaired. In fact, respondent no. 4 submits that the said respondent has sought for a shifting of the meter room to the portion which is being developed, in order to avoid any electricity or fire hazards.

Upon query, it transpires that the developer does not have any electricity meter in the premises-in-question in its name. The developer, as such, could not have applied within the periphery of law, even for a shifting of the meter room-in-question. Hence, such endeavour of the developer, that is, the respondent no. 4, is squarely deprecated.

In fact, in the event the respondent no. 4 has applied in the name of the deceased father of the petitioner and other consumers of electricity in the premises, for the purpose of such shifting, such effort on the part of the respondent no. 4 can only be labelled as *mala fide*, since a non-consumer does not have a right to seek a shifting of electricity connection of others, let alone by making applications in the name of such consumers, particularly when at least one of them is deceased.

In so far as the CESC Limited is concerned, it ought to have ascertained as to the veracity of the application for shifting, if made by the respondent no. 4 in the name of a deceased person.

In any event, as it transpires, even the petitioner does not have any right to continue enjoying electricity in the name of his deceased father. Accordingly, if the petitioner applies for a transfer of the electricity meter in his name in place of his deceased father, the same can be processed by the CESC Limited, keeping alive the electricity connection for the time being till such application is duly processed and the transfer is effected.

Inasmuch as the dilapidated condition of the meter room is concerned, the CESC Limited will be at liberty to make appropriate communication to the petitioner and/or to other consumers of electricity, whose meters are housed in the said dilapidated meter room, clearly specifying the exact nature of the repairs to be done to avoid electricity and fire hazards.

If such a communication is made by the CESC Limited to the petitioner and/or the other consumers, the petitioner as well as the other

consumers, particularly the petitioner, since he is a party here and agrees to carry out such repairs, shall take immediate steps to redress the issue by effecting the necessary repairs with regard to the meter room.

Accordingly, WPA No. 18133 of 2023 is disposed of by directing the petitioner to apply for transfer of the name in the electricity meter-in-question, which is standing at the premises in the name of his deceased father, within one week from date.

As and when such application is filed and subject to compliance of due formalities in that regard, the CESC Limited shall effect the transfer at the earliest in the name of the petitioner, positively within a fortnight from making of such application. During the entire period, as indicated above, the CESC Limited shall not disconnect the electricity supply to the petitioner, on the ground that it is standing in the name of a deceased person.

The CESC Limited is also directed to immediately issue a communication to the petitioner and the other consumers, whose meters are located in the meter room at the premises, intimating the exact nature of the

repairs to be undertaken by the said consumers with regard to the meter room to avoid electricity and fire hazards.

Upon such communication being made, the petitioner and the other consumers shall carry out the necessary repair work as expeditiously as possible, positively within three weeks from the date of such communication being made to them.

In so far as the application for shifting of meter room at the behest of the respondent no. 4 is concerned, the CESC Limited shall consider the same to stand rejected, since the respondent no. 4 has no *locus standi* to make such application for shifting of the meter standing in the name of the deceased father of the petitioner or in its own name, since the respondent no. 4 is not the consumer of any electricity connection at the premises.

However, nothing in this order shall preclude the respondent no. 4 from applying for an electricity connection to the portion of the premises which is being developed by the respondent no. 4. If such an application is made, the CESC Limited shall process the same in accordance with law and if the respondent no. 4 is so entitled, shall grant such electricity

connection to the respondent no. 4, under the category of connection deemed applicable by the CESC Limited, subject to compliance of all formalities by the respondent no. 4.

It is further recorded that in the event the respondent no. 4 has an electricity connection at the premises in its name at any future point of time, nothing in this order shall preclude the respondent no. 4, as an existing consumer, to apply in due course for the shifting of the same. If such an application is made, the CESC Limited shall process the application upon giving appropriate opportunity of hearing to all the consumers having electricity meters in the said meter room and take appropriate decision thereon in due course of law.

It is made clear that if any application has been made in the name of the deceased father of the petitioner for a new electricity connection or shifting of meter at the premises-in-question, the same is deemed to stand cancelled by this order.

Nothing in this order shall create any special right or equity in favour of any of the parties to the present writ petition.

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.)