

D/L. 19.
December 22, 2023.
MNS.

WPA No. 21758 of 2023

Krishna Kishore Koonar
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. Debasish Kundu

... for the petitioner.

Mr. Debanjan Mukherjee,
Mr. Aniruddha Ganguly

...for the WBSEDCL.

Mr. Keshab Chandra Das

...for the private respondent.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner submits that the electricity meter of the private respondent is situated on the portion of the property-in-question which has been allocated in favour of the petitioner upon an informal partition having been carried out between the petitioner and the private respondent.
3. However, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) is not acceding to the petitioner's request to shift such connection.

4. Learned counsel for the private respondent submits that a partition suit is at present pending before the concerned Civil Court, that is, the Second Court, Civil Judge (Senior Division) at Chinsurah, District-Hooghly. As such, it is submitted that, as of today, it cannot be said that the electricity meter is situated in the exclusive portion of the petitioner.
5. In any event, upon hearing learned counsel for the parties, it transpires that the pendency of the partition suit itself indicates that the properties have not been partitioned as yet by metes and bounds. That apart, the WBSEDCL is not at fault, since it is not the law that the electricity meter of one consumer can be shifted at the behest of another.
6. The relief of the petitioner, if any, lies before the civil court taking up the partition suit.
7. Upon keeping a copy of the amended plaint handed over in court today by learned counsel for the private respondent on record, WPA 21758 of 2023 is disposed of with liberty to the petitioner to renew his prayer before the appropriate Civil Court, which is in *seisin* of the partition suit pending before the said Court.

8. There will be no order as to costs.
9. 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.)