

S/L 36
23.8.2023
Court No.26
SD

RVW 104 of 2020
With
CAN 1 of 2020
In
WPA 18989 of 2019

Arup Ghara
Vs.
CESC Limited & Ors.

Mr. Sayantan Bose
Mr. Shaunak Mukhopadhyay
Mr. Sattik Rout

...for the Applicant/Petitioner.

Dr. Madhusudan Saha Roy

...for the CESC.

Heard counsel appearing on behalf of the parties.

The C.E.S.C. authorities have filed a report as directed by them by an order dated August 8, 2023 and the same is kept with the record.

This review application has been filed with regard to an order passed on February 18, 2020 which reads as follows:-

“In this matter, two reports have been filed by the CESC limited. The report filed in court today clearly indicates that the present meter position is required to be shifted to a new location. Parties appearing in the matter have agreed to the said shifting.

In light of the same, CESC limited shall shift the meter to the new location as identified in the common suitable place. They shall also indicate to the petitioner and the private respondent the costs for shifting of the same. Since the petitioner would be utilizing one new meter and is willing to pay for the shifting of the meter of his mother, the costs shall be borne in the ratio 2:3 (since the private respondent has three meter connections).

CESC is directed to indicate the costs for shifting of meter to the petitioner and the private respondent within a period of seven days from date.

The petitioner and the private respondent shall make payment as per the ratio provided above within a period of seven days from the date of receipt of the estimate of costs by the CESC. Subsequent to receipt of the entire amount, CESC shall carry out the shifting and thereafter forthwith given the new connections to the petitioner within a period of three weeks.

With these observations, W.P. 18989 (W) of 2019 is disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.”

The present review application indicates that there has been an inadvertent error by the Court as the report filed by the C.E.S.C. authorities did not clearly indicate that the present meter position was required to be shifted to a new location. Furthermore, the review application is filed on the ground that counsel appearing on behalf of the petitioner did not have instruction to agree to the said shifting.

Upon consideration of the factual matrix that has come to light, I am of the view that for the ends of justice the review application should be allowed.

In light of the same, the order dated February 18, 2020 is recalled. The writ petition being WPA 18989 of 2019 is, accordingly, restored.

RVW 104 of 2020 along with CAN 1 of 2020 is disposed of.

Parties shall be at liberty to mention the matter before the appropriate Bench.

(Shekhar B. Saraf, J.)