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21.05.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 14173 of 2024

Uday Sharma & Anr.
Vs.
CESC Limited & Ors.

Mr. Indranil Halder
...for the petitioner

Mr. Suman Ghosh
...for the CESC Limited

1. Affidavit of service filed today be kept on record.
2. Learned counsel for the petitioner submits that initially the petitioners applied for electricity connection but did not get the same due to resistance by the private respondent. Subsequently, however, upon a direction of court and after having to take out a contempt application, connection was given to the petitioners. Thereafter, the petitioners enjoyed the electricity connection for some months from a block meter installed by the CESC Limited for such purpose.
3. Unfortunately, the private respondent has subsequently put a padlock on the meter room, disabling the CESC personnel from taking any meter reading, for which average bills are being raised to the detriment of the petitioners.

4. Learned counsel for the CESC Limited also corroborates such stand that due to padlock being affixed on the meter room, no meter reading can be taken by the CESC personnel. In such scenario, it is submitted by learned counsel for the CESC Limited that there are two options, either to have an order to shift the meter room somewhere else or for taking necessary steps to have access to the meter room.

5. Since there is no scope, without a proper application for shifting, to adjudicate on the issue of shifting, undoubtedly, the CESC Limited, as a Distribution Licensee, has every right to visit the meter room and have access to it as and when required.

6. Affixing a padlock on the entrance of the meter room to prevent the access of the CESC personnel is entirely an unlawful act on the part of the private respondent, who chooses to abstain at the hearing despite being served.

7. In such view of the matter, W.P.A. No. 14173 of 2024 is disposed of by directing the CESC Limited to take meter readings from the existing meter board position, if necessary by taking police help, by approaching the respondent no. 3, that is, the Officer-in-Charge, South Port Police Station, on every occasion of resistance.

8. If and when such approach is made on any of the occasions when the CESC Limited seeks to have a meter reading, due assistance will be rendered by the respondent no. 3 by treating the same to be a law and order issue.

9. For such purpose, it will be open to the respondent no. 3 to remove the padlock or other hindrance, if any, put up to resist the CESC personnel from having access to its meter room.

10. There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)