

June 24, 2024
Sl. No.7
Court No.9
s.biswas

WPA 15355 of 2023

Subir Kumar Sikdar

vs.

Calcutta Electric Supply Corporation Limited

Mr. Abhijit Ray
Mr. Santu Nandy
Md. Ayaan

... for the petitioner

Mr. Debanjan Mukherjee

... for the CESC

1. The petitioner alleges that 17 numbers of the electricity bills with the address as 5/1, Harkata Lane, are being raised in respect of the electricity connections at premises no.6, Nabin Chand Boral Lane. The petitioner claims to have got the property being 6, Nabin Chand Boral Lane, on the basis of an exparte decree of specific performance of contract, passed in Title Suit NO. 1164 of 2015.
2. Pursuant thereto, the petitioner approached the CESC Limited for correction of the billing address. The CESC Limited did not take steps. Thus, a writ petition was filed being WPA 4494 of 2023. The CESC Limited had taken a specific stand that no document could be produced by the petitioner which would indicate that the mailing address had been incorrectly inserted by the CESC, in the bills.
3. Another Coordinate Bench had directed the appropriate authority of the CESC Limited to

dispose of the representation made by the petitioner seeking correction of the billing address in the electricity bills.

4. Pursuant to the direction of the court, by an order dated April 10, 2023, the Deputy Manager, Central Regional Office, CESC Limited held that the petitioner could not produce documents either issued by the Kolkata Municipal Corporation or by any other authority having competence to issue such certificate, with regard to the change of the address. The question here is whether the present premises no.6, Nabin Chand Boral Lane, which the petitioner had acquired by way of a decree of specific performance of contract, is actually the premises in respect of which the bills with the address 5/1, Harkata Lane, Kolkata, were being issued by the CESC Limited.
5. The KMC report furnished by the petitioner does not indicate anything with regard to actual address of the property or the identity of the property. Thus, it is for the petitioner to establish that premises no.6, Nabin Chand Boral Lane was earlier known as 6, Harkata Lane and not 5/1 Harkata Lane, and since then the premises had been renamed as premises No.6 Nabin Chand Boral Lane, and the billing address should be corrected.

6. Appropriate inspection is required to be made for identification of the property in question. Such identification can be made only on the basis of the records of the Kolkata Municipal Corporation and any other record that may be available in the appropriate departments.
7. The petitioner is granted liberty to approach the Kolkata Municipal Corporation for demarcation and identification of the property. Such identification can be made with the help of the maps maintained by KMC and other land records. The assessment register will also indicate how the address of the property had gone down for the purpose of collection of the property tax. The property tax bills shall also be consulted to ascertain the address. In case it is found that the property in respect of which the billing address of the CESC Limited is 5/1, Harkata Lane, is at present 6, Nabin Chand Boral Lane, a report shall be prepared by KMC. The petitioner will be at liberty to approach the CESC Limited for necessary correction of the billing address after the entire exercise is accomplished by KMC. The writ petition shall be served upon Mr. Mukhejee, learned advocate for the CESC, by the end of the day.

8. The entire exercise shall be completed by the KMC within four months from the date of communication of this order.
9. All parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)