

D/L. 24.
May 3, 2024.
MNS.

WPA No. 22584 of 2022
+
CAN 2 of 2024

Ashoke Ghosh and others
Vs.
The CESC Limited and others

Mr. Sounak Bhattacharyya,
Mr. Sumitava Chakraborty,
Mr. Sounak Mondal,
Mr. Abhirup Halder

... for the petitioners.

Mr. Naba Kumar Das,
Ms. Diana Ghosh Dastidar

...for the CESC Limited.

Mr. Pratik Dhar,
Mr. Bikram Banerjee,
Mr. Arka Nandi

...for the respondent nos. 6 to 8.

1. Heard learned counsel for the parties.
2. From the report of the CESC Limited, it transpires that there are eleven meters housed at the existing meter board.
3. It is further reflected from the report and corroborated by learned counsel for the CESC Limited that although the private respondents were not willing to identify a suitable position for installation of a new service connection within their establishment (at premises No. 50), instead of in strict adherence to the order of this Court, the CESC Limited proceeded to identify a technically suitable position in

holding no. 50 demarcated in the same premises annexed to the said report.

4. It is seen from the photographs annexed to the exception to the said report filed by the private respondents that all the eleven electricity meters are at present contained in a particular meter board. The said meter board, however, is located inside one of the shop rooms being run by the private respondents from the property of the petitioners at premises no. 51. Although there is apparently a dispute regarding the legality of the possession of the private respondents in respect of such shop room, it is an admitted position that, as of today, the possession of the shop is with the private respondents where all the meters are located.
5. Thus, the picture which comes out from the pleadings, the report and the exceptions is that there are two adjacent premises, Premises No. 50, of which the private respondents are at present owners by amicable partition with the petitioners, and Premises No. 51, of which the petitioners are the owners by virtue of the same partition. Although the private respondents reside at Premises No. 50, their shops are being

operated from Premises No. 51, although the same belongs to the petitioners.

6. Thus, it cannot be disputed that the private respondents are in occupation of the shop room where all the eleven meters are located.
7. Thus, the prayer of the petitioners for shifting of the electricity meters of the private respondents from the said shop room to the residence of the private respondents at premises No. 50 is not at all justified by the factual premise of the case, as it would be absurd to expect that the private respondents would run their shop from Premises No. 51 but the electricity meters for the said shops will be shifted to the premises no. 50 where the private respondents reside.
8. As settled occupants of the property, the private respondents are entitled to electricity connection at premises no. 51 within the shop room as well.
9. In any event, due the peculiar position of the location of the meters, which cater to both the shop rooms and the residence of the private respondents, within the shop room being operated by the private respondents, no legal right of the petitioners can be said to have been infringed.

10. If the petitioners have a grievance regarding continuance of such shops by the private respondents, it is in any event open to the petitioners to take recourse to due process of law for eviction of the private respondents.

11. However, as of today there is nothing to show that the petitioners are suffering from inconvenience due to the current location of the meters in the shop room of the private respondents, irrespective of the fact that the shop rooms are located at Premises No. 51, of which the petitioners are the owners.

12. In such view of the matter, the prayer in the writ petition seeking shifting of the electricity meters cannot be allowed.

13. Accordingly, WPA No. 22584 of 2022 and CAN 2 of 2024 are disposed of by granting liberty to the petitioners to seek removal of their own meters from the said shop room of the private respondents, if the petitioners so choose.

14. Further, the petitioners are at liberty to institute an appropriate proceeding before the appropriate forum / civil court for eviction of the private respondent, if otherwise entitled in law.

15. Nothing in this order, it is made clear, touches the merits of the contentions of the private

parties regarding their respective rights with regard to the properties.

16. There will be no order as to costs.

17. 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.)