

09.07.2024
Sl. No.5(DL)
srm

W.P.A. No. 28745 of 2023
Sri Gora Chand Karmakar
Versus
CESC Limited & Ors.

Mr. Nilanjan Bhattacharjee,
Mr. Abhilash Chatterjee
...for the Petitioner.

Mr. Suman Ghosh
...for the CESC Ltd.

The writ petition has been filed for a direction upon the CESC to shift the electric meter of the respondent No.6 from the meter room of the petitioner.

The learned Advocate for the petitioner submits and relies upon a document which indicates that the respondent No.6 had prayed before the CESC authorities for disconnection of his supply on the ground that he was not residing in the premises.

It is contended by Mr. Ghosh, learned Advocate for CESC authorities that the service line cannot be shifted as the respondent No.6 is enjoying electricity from the said service line. Learned Advocate for the CESC authorities submits that the respondent No.6 has asked for reconnection and there are consumers in respect of said service line.

The issue is whether the respondent No.6 could keep the supply line and the meter in the premises which he was no longer in occupation of, as per the petitioner's contention. The issue of possession is a matter of evidence. It is also not clear to the Court who is actually enjoying the said meter and whether the said meter is still functional.

Thus, disputed questions of facts have arisen which cannot be looked into by this Court.

The writ petition is disposed of directing the District Engineer, North Suburban Regional Office, CESC Limited, the respondent No.2 herein to treat the writ petition as a representation of the petitioner and pass necessary orders with reasons. While disposing of the matter, the respondent No.2 shall cause an inspection through his officials in the premises in question, in the presence of the petitioner and the respondent No.6 upon notice to all and thereafter decide the matter in accordance with the directions hereinabove.

Needless to mention, a hearing shall be given to the parties and a reasoned order will be passed. The entire exercise will be completed within a period of three months from the date of communication of this order.

While deciding the matter, the CESC authorities will consider the decision of this Court in the matter of D. Mitra

Enterprise vs. The State of West Bengal & Ors. reported in 2016
SCC OnLine Cal 10876.

If it is found that the meters and the supply line are lying in an unused condition and no one is enjoying electricity therefrom, and the respondent No.6 is not in occupation of the premises, the same shall be removed.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)