

AD-13
Ct No.09
05.03.2024
TN

WPA No. 28750 of 2023

Sri Tapas Kumar Manna and another
Vs.
CESC Limited and others

Mr. Abhilash Chatterjee

.... for the petitioners

Dr. Madhusudan Saha Roy

.... for the CESC Limited

Mr. Sadhan Halder,
Ms. Sabnam Basu

.... for the State

- 1.** Learned counsel for the petitioners submits that the petitioners purchased a flat being flat no. 102, Howrah Municipal Corporation, Holding no. 100, Makardaha Road, Police Station – Bantra, District – Howrah.
- 2.** Such purchase was made from respondent nos. 5 and 6 who were the erstwhile owners of the said flat. Subsequently, the petitioners made a representation to the CESC Limited indicating that the meter previously standing in the name of the respondent nos. 5 and 6 has since been transferred in the name of the respondent no. 7, which is a concern run by the respondent nos. 5 and 6 themselves, and is being utilized for catering to flat no. 104, which is a different flat than that for which the connection was taken.

3. Learned counsel for the petitioners Mr. Chatterjee submits that since the transfer of flat no. 102 has been effected by the respondent nos. 5 and 6, its erstwhile owners, in favour of the petitioners and the meter stood originally to cater to flat no. 102, the same may be transferred in the name of the petitioners in view of the transfer of the said flat.
4. Learned counsel for the CESC Limited submits that the CESC Limited is otherwise willing and agreeable to allow such transfer subject to compliance of formalities by the petitioners. However, when a communication was sought to be made to the petitioners to that effect, the same returned with the endorsement “not found” on the envelope.
5. In view of the averments of the parties and keeping in mind that the respondents choose not to appear at the time of hearing despite service, which is evident from the affidavit-of-service kept on record today, the matter is taken up for disposal *ex parte*.
6. Since the petitioners have purchased flat no. 102 and submit to have the sale deed to that effect, the petitioners are to be deemed to be in possession of the property and in view of the transfer of the flat, the meter should also be transferred in the name of the petitioners.
7. The only impediment here is that the meter might have been transferred in the meantime at the behest

of the erstwhile owners in favour of the respondent no. 7, but catering to a different flat.

8. In such scenario, WPA No. 28750 of 2023 is disposed of by granting liberty to the petitioners to file a proper application in appropriate format for transfer of the name in respect of the electricity meter catering to flat no. 102, which has been purchased by the petitioners. Upon such an application being made, the CESC Limited, if satisfied that the transfer has actually been effected in favour of the petitioners, process the said application and upon compliance of formalities by the petitioners, effect such transfer at the earliest, preferably within a week from the date of such compliance of formalities by the petitioner.
9. In the event any complication arises in the perception of the CESC Limited in view of the meter apparently now standing in the name of the respondent no. 7, the CESC Limited shall give an opportunity of hearing to the petitioners in order to be satisfied that the meter was originally taken in respect of flat no. 102 and that the said flat has actually been transferred properly in favour of the petitioners by the erstwhile owners.
10. If such parameters are satisfied, the CESC Limited shall still go ahead and, upon compliance of formalities by the petitioners, effect such transfer within a week from the compliance of formalities by the petitioners.

- 11.** The communication handed over by learned counsel for the CESC Limited today be kept on record.
- 12.** There will be no order as to costs.
- 13.** 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.)