

18.08.2025.
Item No. 35.
Court No. 13
pk/ap

F.M.A. No. 941 of 2022
With
I.A. No. CAN 1 of 2022

Debu Kumar Naskar
Versus
Subrata Saha & Ors.

Mr. Kanai Lal Mondal.

...For the appellant.

Mr. Subir Banerjee,
Mr. Sandip Bandhopadhyay,
Mrs. Ruxmini Basu Ray.

... For the respondent no.1.

Mr. Jayanta Kumar Dhar.

...For the CESC.

1. Affidavit-of-service filed in Court today be taken on record.
2. The appeal is directed against an order dated 02.03.2022 whereby the writ petition filed by the private respondent was allowed and meter was directed to be installed in the common meter board inside the said premises.
3. The appellant herein claims that the meter board is exclusively his and within his premises and the respondent did not have a right to access the same. The supply meter permitted to be installed for the writ petitioner/private respondent, must be removed from the meter board within his premises.
4. Learned counsel for the CESC and his Law Officer present in Court, indicate that a meter supplied to a consumer within a premises is located in a common meter board and that too for a single premises which has a single service.

5. The private respondent/writ petitioner submits that the meter board is located in a passage way which is common to both the parties.

6. In fact there is a civil suit pending between the parties which is numbered as Title Suit No. 37 of 2023 before the learned Civil Judge (Junior Division) 2nd Court, Baruipur.

7. Since both the learned Single Judge and this Court cannot enter into the disputed questions of fact and the CESC has installed the meter in question in terms of the directions of the learned Single Judge on 17th March, 2022 bearing Meter No. 7203068 to the private respondent/writ petitioner, this Court is of the view that the impugned order calls for no interference. Any disputed questions of fact may be resolved in the Civil Suit pending between the parties.

8. With the aforesaid directions, F.M.A. 941 of 2022 shall stand disposed of.

9. In view of disposal of the appeal itself, the connected application being CAN 1 of 2022 shall also stand disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)