

22.09.2025
Sl.76.
Suman
Ct.No.15

WPA 18306 of 2025

Kanailal Samanta
Vs.
The C.E.S.C. Limited and Ors.

Mr. Arnab Mukherjee
Mr. Prakash Barma
Ms. S. Manna
..for the petitioner

Mr. Debanjan Mukherjee
..for CESC Limited

Mr. Biswajit Konar
Mr. Arijit Mahinder
..for respondent no.5.

Mr. Subhash Chandra Basu
..for respondent no.4.

The petitioner is admittedly a tenant under respondent no.4. However, the petitioner's electricity meter is located at a portion of the relevant premises that is under the ownership of respondent no.5.

The relevant premises have been partitioned amicably pursuant to a court order and the subsequent partition deed. Following the partition, the premises under the ownership of respondent no.4 has been numbered as 1/1/1 Lakshmi Narayan Tala Road, while the premises under the ownership of respondent no.5 has been numbered as 1/1 Lakshmi Narayan Tala Road.

The petitioner seeks to shift his meter to a portion of the premises under his occupation.

The report filed by CESC before this Court today reads, inter alia:

*“Considering the present circumstances transpired from the inspection, a new metered supply can be affixed at the portion where the shop of the petitioner is running. The meter board at 1/1/1 Lakshmi Narayan Tala Road, Howrah is technically feasible and have enough space to accommodate one meter of the petitioner provided he applies for new metered connection at the next portion. Upon other compliance, the Licensee Company shall install a new meter at 1/1/1 Lakshmi Narayan Tala Road, Howrah in favour of the petitioner after removal of his existing meter from the service connection at 1/1 Lakshmi Narayan Tala Road, Howrah.
The same is for kind consideration of the Hon’ble Court.”*

Learned advocate representing respondent no.4 opposes the petitioner’s prayer, submitting that there are other tenants similarly situated. It is contended that if other tenants seek to shift their respective meters, respondent no.4 may face inconvenience in enjoying the premises under his occupation.

This Court finds no merit in such contention. Once the partition has taken effect, there is no justification for the petitioner’s meter to remain at the premises of respondent no.5, while the petitioner is a tenant under respondent no.4. Any applications made by other tenants should be considered independently and in accordance with law. Such consideration cannot impede the petitioner’s right to relocate his meter.

In view of the above, the writ petition is disposed of, granting the petitioner liberty to file a fresh application for electricity connection at premises no. 1/1/1 Lakshmi Narayan Tala Road, Howrah. Upon filing of such application and subject to compliance with other formalities, the connection shall be effected within a period of three (3) weeks from the date of application.

For implementation of this order, CESC Limited shall be at liberty to seek assistance from the Officer-in-Charge, AJC Bose Botanical Garden, at the cost of the petitioner.

Accordingly, **WPA 18306 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)