

IN THE HIGH COURT AT CALCUTTA
(Constitutional Writ Jurisdiction)
APPELLATE SIDE

Present:

The Hon'ble Justice Krishna Rao

W.P.A. No. 25430 of 2025

Nobel Developments Private Limited & Anr.

Vs.

CESC Limited & Ors.

Mr. Satadeep Bhattacharyya

Mr. Saptarshi Datta

Ms. Pooja Sett

Ms. Srinjita Ghosh

Mr. Pourush Kanti Pal

Mr. Debdut Hore

....For the petitioners.

Dr. Madhusudan Saha Ray

....For CESC.

Mr. Biswajit Mukherjee

Mr. Debanjan Mukherjee

.... For KMC.

Mr. Srijib Chakraborty

Mr. Aditya Mondal

.... For the respondent no.7.

Hearing Concluded On : 03.12.2025

Judgment on : 07.01.2026

Krishna Rao, J.:

1. The petitioners have filed the present writ application challenging the communication dated 3rd October, 2025, wherein the District Engineer, Kolkata South District, CESE Limited has rejected the request of the petitioners for relocation/shifting of Meter Nos. 3484615, 3284923 recorded in the name of Rup Narayan Agarwal and Meter No. 5694943 recorded in the name of Krishna Shaw.
2. One L.K. Estates Private Limited, the proforma respondent being the owner of the amalgamated premises no. 4, Chandranath Chatterjee Street, Kolkata - 700025 (pre-amalgamation premises nos. 4 and 5) entered into a development agreement and a Power of Attorney in favour of the petitioners for development of the said premises.
3. Prior to the commencement of development works at the said premises, there were some old dilapidated structures partly two storied and partly one storied building along with one old dilapidated structure in front portion. In one part of such old dilapidated structure there is a meter space where the electricity meters in the names of the tenants/occupiers were installed by the CESE Limited. Initially there were nine

electricity meters which were installed at the said meter space but at present only three electricity meters are available out of which two electricity meters were in the name of respondent no.7, namely, Rup Narayan Agarwal and another is in the name of respondent no.8, namely, Krishna Shaw. The structures wherein the electricity meters of the private respondents have been installed are in dilapidated conditions. The Kolkata Municipal Corporation has issued a notice under Section 411 of the Kolkata Municipal Corporation Act, 1980, in respect of the dilapidated building.

4. Prior to commencement of development works, the petitioners have applied to the CESC for shifting of the three existing electricity meters to the temporary meter space where the petitioners have installed its temporary meter. On receipt of the request of the petitioners, the CESE Limited has inspected the premises. When the respondent no.7 came to know that the petitioners have made an application for shifting of existing electricity meters, the respondent no.7 has filed a writ petition being WPA No. 18133 of 2023 against the petitioners and this Court by an order dated 10th August, 2023, had disposed of the said writ petition giving liberty to the petitioners to apply for electric connection to the portion of the premises which is being developed by the petitioners and also recorded that in the event the petitioners have an electric connection at the premises in its name, the petitioners shall apply for the shifting of the same.

5. The petitioners have obtained a temporary electricity connection for the purpose of carrying out construction work at the said premises. In the newly constructed building, the petitioners have constructed a permanent meter space/room and also obtained permanent electricity meter in the name of the petitioner no.1 in the newly constructed building and installed the meter in a newly constructed electric meter room.
6. Mr. Satadeep Bhattacharyya, Learned Advocate representing the petitioners submits that there cannot be two separate permanent electricity service lines in one premises i.e. one service line which is connected to the old dilapidated meter space and the other one which is connected to the newly constructed meter space.
7. Mr. Bhattacharyya submits that the private respondents will not be prejudiced in any manner if the meters standing in their names are shifted to the newly constructed meter space. He submits that it is not the intention of the petitioners to disturb the electric supply of the private respondents. He undertakes that the petitioners will bear all expenses for shifting of the meter standing in the names of the private respondents.
8. The main grievance of the petitioners is that there cannot be two separate permanent service lines in one premises. The petitioners have constructed a new meter space and the old meter space containing the electric meters of the private respondents is in dilapidated condition.

Earlier when the petitioners have applied for shifting of the old meter space, at that point of time the petitioners had no electric connection in its name in the said premises and this Court by an order dated 10th August, 2023, held that the petitioners have no locus standi to make such application for shifting of the meter recorded in the name of the private respondents.

- 9.** In the order dated 10th August, 2023, this Court had given liberty to the petitioners to apply for grant of new electric connection and also recorded that if the petitioners get an electric connection at the premises, the petitioners shall be at liberty to apply for shifting of the electric meter and the CESE Limited is directed that, if any, application is filed, the CESE Limited shall take appropriate decision after giving an opportunity of hearing to all the consumers.
- 10.** After the order passed by this Court, the petitioners had got electric connection in its name and also applied for shifting of electric meters in the newly constructed space but the request of the petitioners was rejected on the ground that the petitioners have no authority to apply for shifting the meters of the private respondents.
- 11.** There is no dispute that the existing meter space is in dilapidated condition. By an order dated 10th August, 2023, this Court had directed CESE Limited to intimate the exact nature of the repairs to the consumers, whose meters are located in the meter room and the private respondent no.7 and the other consumers were directed to carry out

necessary repair works within three weeks from the date of such communication. Learned Advocate representing the Kolkata Municipal Corporation admitted that the Corporation has issued notice under Section 411 of the Act.

- 12.** Mr. Srijib Chakraborty, Learned Advocate representing the respondent no.7 submits that if the petitioners will bear all the cost and expenditure for shifting of the meter to the newly constructed space, the respondent no.7 has no objection for the same but the electric supply of the respondent no.7 cannot be disturbed.
- 13.** In spite of service of notice, none appears on behalf of the respondent no.8. There is no dispute that the existing structure is in dilapidated condition and the petitioners have already constructed a new structure for shifting of meters. The petitioners are also ready to bear the cost and other expenditures for shifting of meters of private respondents from old structure to the new structure.
- 14.** Considering the above circumstance, the respondent no.4 is directed to shift the electric meters of the respondent nos. 7 and 8 from the old structure to the new structure within a period of two (2) weeks from the date of compliance of all formalities by the petitioners.
- 15.** It is made clear that at the time of shifting the meters, if any, person/persons including the private respondents restrain the officials of CESC Limited, the Officer-in-Charge of the concerned police station

shall provide police assistance to the Officials of CESC Limited and cost, if any, shall be paid by the petitioners.

16. WPA No. 25430 of 2025 is allowed.

Parties shall be entitled to act on the basis of a server copy of the Judgment placed on the official website of the Court.

Urgent Xerox certified photocopies of this judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

(Krishna Rao, J.)