

Poddar Projects Ltd. Vs. Cesc Ltd.

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Court : Kolkata

Decided On : Feb-11-2014

Judge : Biswanath Somadder

Appellant : Poddar Projects Ltd.

Respondent : Cesc Ltd.

Judgement :

ORDER

SHEET GA NOK.372 OF 2014 WITH CS NO.185 OF 1997 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE PODDAR PROJECTS LTD.Versus CESC LTD. BEFORE: The Hon'ble JUSTICE BISWANATH SOMADDER Date : 11th February, 2014.

Mr.A.Chatterjeeappears.Mr.S.Ghosh, Mr.S.N.Pyneappear.

The Court : Having heard the learned Advocates for the parties and upon perusing the instant application, it appears that the applicant/petitioner is essentially seeking direction from this Court upon the defendant CESC LTD.to install the automatic sprinkler system attached with alarm within the entire area occupied by the defendant CESC LTD.on the second floor of premises no.18, Rabindra Sarani (Poddar Court).Kolkata-700001, in terms of the recommendations of the West Bengal Fire and Safety Services.

Perusing the documents annexed to the application, it appears that the Director General, West Bengal Fire and Emergency Services, as far back as on 27th August, 2008, had made certain recommendations for fire safety in respect of the premises in question.

Since the issue sought to be raised in the instant application relates to fire safety in a building used for commercial purposes, this Court is of the view that during the pendency of the instant application the Director General of West Bengal Fire & Emergency Services shall make a thorough inspection of the portion of the premises in actual occupation of the CESC LTD. and file a report before this Court on or before the next date stating therein specifically as to whose statutory duty it is, for the purpose of installing sprinklers for extinguishing fire under the provisions of West Bengal Fire Services Act, 1950.

In the report it shall also be stated by the Director General as to whether it is feasible to install sprinklers in the portion of the premises in occupation of CESC Ltd., upon taking into consideration the age of the building as also the existing water line provided for the building by the local municipality.

Matter is made returnable one week hence.

All parties concerned are to act on an urgent certified photocopy of this order on the usual undertakings.

(BISWANATH SOMADDER, J.) pkd.

A.R.[C.R.].

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