

15.12.2020
D/L- 22
(PP)

WPA 9514 of 2020

Hari Swarnakar
Vs.
Calcutta Electricity Supply Company Ltd. & Anr.

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder

....for the petitioner.

Mr. Rajiv Lall

....for CESC Ltd.

The petitioner says that the petitioner is a co-sharer of premises no.245 N, Jyotish Roy Road, Kolkata – 700 053 (hereinafter referred to as the said premises). The petitioner applied for a new domestic connection in his name for the said premises. The connection has been refused by CESC Limited by a letter dated 16th October, 2020 (appearing at page 14 of the writ petition). Referring to the said letter, the petitioner says that a new supply in his case means that he is seeking a new meter in his name so that he can enjoy electricity in the portion under his occupation recorded through the said meter. CESC Limited, according to the petitioner, has rejected the application on the ground that there is a supply through an existing meter at the said premises and that the petitioner is enjoying electricity through the said meter. CESC Limited has also taken up a point of splitting of load and/or reduction of load of the existing

meter in the event the petitioner is granted a new meter by referring to Clause 14 of Regulation 53 framed by West Bengal Electricity Regulatory Commission.

On behalf of CESC Limited, it is submitted that reasons are very clear for which CESC Limited is unable to give an electricity connection to the petitioner through a new meter and are also based on said legal position.

After hearing the parties and considering the materials on record, I find two-fold objections being raised by CESC Limited. The first objection is that there is an existing connection at the said premises and the petitioner is enjoying electricity through the same which is recorded in a meter installed thereat.

The Electricity Act, 2003 and the Rules and Regulations framed thereunder does not give the right to a licensee and in the instant case CESC Limited to form an opinion as to whether the petitioner is enjoying electricity from a meter installed at the said premises of which the petitioner claims to be a co-sharer but standing not in the name of the petitioner. The supply to a premises for technical convenience is at a particular place of the said premises. That is the place where the main supply at the said premises is located. From the main supply point there can be connection to one or more than one meter to cater the

need of different inmates or co-sharers of the said premises. The licensee is also not authorised to decide as to whether the inmates of the premises, be he/she a co-sharer or otherwise has to enjoy electricity from a particular meter installed at the said premises and recorded in the name of a co-sharer or inmates of the said premises. This will then be against the spirit of Section 43 of the 2003 Act. No new meter can be obtained by a co-sharer or an inmate of the house as there is already an existing meter and a supply at the said premises.

The second objection of CESC Limited is on the ground of reduction of load and/or splitting of load in the event a new meter is installed in the name of the petitioner.

This issue requires consideration of several technical factors and the writ Court does not have the expertise to go into it at the first instance. Clause 14 of Regulation 53 creates a forum for adjudication of the second issue.

The petitioner, therefor, is permitted to approach the learned Ombudsman appointed under the Electricity Act, 2003 within 24th December, 2020 raising his grievances with regard to the applicability of Clause 14 of Regulation 53 in his case and as to whether granting of a new meter to cater the need of

the petitioner will amount to reduction and/or splitting of load.

The learned Ombudsman, if approached, shall decide as to whether installation of a new meter to cater the need of the petitioner at the said premises will amount to either reduction of load and/or splitting of load. The learned Ombudsman shall also give its findings whether installation of a new meter at the said premises in the name of the petitioner to cater the need of the petitioner is impermissible under Clause 14 of Regulation 53. The learned Ombudsman, if approached, shall decide these issues after hearing the parties within three months from the date of being approached. The learned Ombudsman shall be free to decide on the mode of hearing, but shall see that principles of natural justice are adhered to.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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

(Arindam Mukherjee, J.)