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23.02.2021
Ct. No.23
sb.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 638 of 2021

Md. Kayef Hossain Molla
Vs.
CESC Limited & Anr.

Mr. Indranil Halder
... For the petitioner

Dr. Madhusudan Saha Roy
... For CESC Limited.

The petitioner has applied for a new connection to CESC Limited, the licensee. The petitioner's application dated 17th December, 2020 was rejected by CESC Limited by a letter dated 21st December, 2020 on the ground of "supply regretted for split load". The writ petition has been filed on 7th January, 2021 challenging the refusal on the part of CESC Limited to grant the new electric connection.

The ground of rejection according to CESC Limited is "split load" which is covered under clause 14 of Regulation 53 published by the West Bengal Electricity Regulatory Commission on 2nd April, 2013.

This issue can be more effectively adjudicated in terms of the statutory provisions by the Electricity Ombudsman as the same may require appreciation of facts and affidavits even if called for is not likely to be of any assistance to Court at this stage.

The petitioner is permitted to approach the Electricity Ombudsman within 3rd March, 2021 ventilating his grievances regarding the refusal to grant a new connection to the petitioner by CESC Limited on the ground of “split load”.

The Electricity Ombudsman, if approached by the petitioner within the time-frame provided, shall adjudicate upon the matter and answer the following issues:-

- (i). Whether the application for new connection made by the petitioner falls within the category of “split load”?
- (ii) Whether the new connection applied for by the petitioner could have been rejected on the ground of “split load”?
- (iii) The Electricity Ombudsman shall pass necessary directions fixing a time-frame for granting connection to the petitioner in the event the Electricity Ombudsman finds that the petitioner is entitled to a new electric connection.

The Electricity Ombudsman shall pass a reasoned order after hearing the parties within a period of one month from the date on which the petitioner approaches the said Electricity Ombudsman. The Electricity Ombudsman shall communicate the order that may be passed within seven days from the date of passing of the same.

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, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)