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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3008 of 2020
(Through Video Conference)

Sabnam Rohaman
Vs.
CESC Limited & Ors.

Mr. Uddipan Banerjee
... For the petitioner.

Ms. Bandana Basu
... For CESC Limited.

The petitioner says that the petitioner is a tenant of one self-contained room with common enjoyment of bath and privy measuring about 200 sq. ft. on the 3rd floor (hereinafter referred to as the tenanted portion) at premises no.2/H/6, Hati Bagan Road, Kolkata – 700 014 (hereinafter referred to as the said premises). The petitioner had applied for an electric meter in the petitioner's name and a supply through such meter to the tenanted portion for petitioner's use and enjoyment. CESC Limited has expressed inability to accede to the petitioner's request for a separate supply at the said premises by a letter dated 26th November, 2019. Being aggrieved by such action of CESC Limited, the petitioner has filed the present writ petition.

On behalf of CESC Limited, it is submitted that pursuant to the petitioner's application an inspection was carried out when it was found that

the tenanted premises is a part of a 4 storeyed building and there are thirteen (13) existing meter thereat. Granting a separate meter to the petitioner, according to the CESC Limited, will amount to splitting of load for getting the benefit of lower charges. CESC Limited relies upon a letter dated 26th November, 2019, appearing at page 16 of the writ petition in this regard.

The letter dated 26th November, 2019 is vague. It does not say in whose name the meter stands from which the petitioner is said to be deriving electricity. On a query from Court it is submitted by CESC Ltd. as also the petitioner that the petitioner is not a recorded consumer of CESC Limited. The petitioner is, therefor, not asking for a second meter, which will grant the petitioner an advantage to distribute the consumption of electricity to be recorded in two meters in such a manner to avail the benefit of paying cost of electricity per unit at a lower rate being in a lower slab in respect of the two meters. There is, as such, no question of splitting of load in the instant case and the petitioner also does not come within the ambit of Clause 14 of Regulation 53 published by West Bengal Regulatory Commission on 2nd April, 2013, for the matter being referred to the Ombudsman for adjudication. That apart and in any event this stand of the licensee will

encourage a landlord. In a case where the tenant derives electricity from a meter standing in the name of a landlord, the landlord, if has a dispute with the tenant will disconnect the supply thorough the meter standing in the name of the landlord to leave the tenant without electricity. In such a situation if the licensee denies a supply to the tenant on the ground of splitting of load, the tenant will be without electricity and may have to vacate the premises. The tenant will thus be evicted without due process of law. A licensee cannot be a party to such an act. It cannot also be alleged that splitting of load will take place in the instant case when separate flat/unit owners/occupiers have separate meters from an existing supply main unlike a case where bulk supply is made at a premises through a single meter.

In the facts and circumstances as aforesaid, I direct CESC Limited to instal a new meter in the name of the petitioner and grant a connection to the petitioner subject to payment of all costs and expenses as applicable and upon compliance of statutory requirements within 31st January, 2021. CESC Limited will not insist upon a “no objection” from the landlord for granting the new meter to the petitioner. In the event, it is found that the space in the existing meter board at the said premises is insufficient to house the new meter to be given to the

petitioner, the CESC Limited shall affix the meter at the convenient place in the said premises taking all safety measures.

The Officer-in-Charge/Inspector-in-Charge of the police station within the limit of which the tenanted premises is situated, shall ensure that there is no breach of peace at or around the said premises while the officials of CESC Limited visit for inspection or for installing the new meter. The officials of CESC Limited shall, if necessary, inform the said Officer-in-Charge/Inspector-in-Charge well in advance about the date and tentative time of their proposed visit to the said premises.

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

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

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)