

7th December,
2021
(AK)
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W.P.A 6224 of 2021

Dinabandhu Bisai
Vs.
CESC Limited and another

Mr. Bidyut Kumar Halder
Mr. Indranil Halder
...for the petitioner.

Mr. Subir Sanyal
Mr. Somnath Bose
...for CESC Limited.

The contention of the petitioner is that, despite having applied for a domestic service connection of one (1) K.W. to the petitioner's premises, the CESC Limited has refused to give such connection on the ground that, in terms of Clause 17 of Regulation No.53/WBERC dated April 2, 2013, the applicant(s)/intending consumer(s) shall provide required space in his/their premises for housing the Distribution Transformer and associated equipment at his/their own cost.

In the present case, a different transformer, it is alleged by the petitioner, has already been installed in the immediate neighborhood and, as such, there is no such impediment regarding another new transformer being installed for the purpose of the petitioner's new connection.

That apart, the CESC also refused such connection on the ground that a plot of land and/or covered accommodation was to be located with the cooperation of the petitioner, measuring 6 m. x 6 m. (approx.), with road frontage inside the premises on lease or nominal rent, which would enable the CESC Limited to prepare a scheme for a new MVAC source.

Learned counsel submits that, although at present the petitioner has no such plot of land or covered accommodation, in view of the installation of another transformer in the same area, it will be feasible for the CESC Limited to give such connection.

Learned counsel appearing for the CESC Limited, apart from relying on the grounds taken in the written refusal, as annexed at page-10 of the writ petition, also argues additionally that the petitioner is to clear huge arrear dues in respect of the previous connection which was severed by the CESC Limited for non-payment.

Learned counsel for the petitioner controverts such submissions and argues that since the application of the petitioner is merely for a service connection, that too of one (1) K.W., such requirements as pointed out by the CESC Limited would not be relevant at all. That apart, the petitioner is agreeable to deposit the previous dues, if necessary, for getting the new connection.

It appears from the provisions of Clause 17 of Regulation No.53, as rightly pointed out on behalf of the

CESC Limited, that the intending consumer or applicant has to provide a required space in his/her premises for housing the Distribution Transformer and associated equipment.

Unless such space is provided, there may be imminent safety hazards not only to the applicant but to the other people of the neighborhood. The petitioner himself admits that no such space can be provided by the petitioner.

Hence, even without going into the merits of the question as regards deposit of outstanding dues, since the distribution licensee itself, upon an inspection, found that not a domestic connection or service connection of 1 K.W. but an industrial connection at least to the extent of 40 K.W. has to be given to the petitioner for the purpose of running the shops and other establishments which are about to come up in the newly-built construction of the petitioner, along with residential accommodations, it could not be feasible under any stretch of imagination to allow the application of the petitioner for service connection of mere one (1) K.W. to be given.

In such view of the matter, there is no merit in the writ petition.

Accordingly, WPA 6224 of 2021 is dismissed without any order as to costs.

Affidavit-in-opposition and affidavit-in-reply filed in court today, be kept on record.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)