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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5302 of 2020

Protap Chandra Baur
Vs.
C.E.S.C. Limited & Anr.

Mr. Indranil Halder
... For the petitioner.

Mr. Suman Ghosh
... For CESC Limited.

The petitioner had applied for a new electricity connection from CESC Limited, the licensee. The petitioner says that by a letter dated 17th February, 2020, the petitioner was asked to personally meet the representative of CESC Limited to facilitate inspection. The petitioner had duly met the officials of CESC Limited, yet connection has not been given. As a result thereof, the petitioner has filed the instant writ petition.

On behalf of CESC Limited it is submitted that after the petitioner had met the officials of CESC Limited, CESC Limited has by a letter dated 25th March, 2019 informed the petitioner the reasons for which the petitioner cannot be given the new connection. It appears that the writ petition was filed on 20th March, 2020 as such a letter dated 25th March, 2020, issued by CESC Limited is not included in the writ petition. The letter dated 25th March, 2020

made over to the Court is taken on record.

CESC Limited further submits that the petitioner is staying in a house owned by his father along with other family members. There are existing meters in the said premises wherefrom the petitioner is presently deriving electricity. Granting of new meter to the petitioner will amount to reduction of consumption in the existing meters which may cause revenue loss to the licensee as there is possibility of the family members paying at a lower rate per unit being in different slab.

The contention of CESC Limited cannot be ruled out at this stage and, as such, the matter is referred to electricity Ombudsman for adjudication.

The learned Ombudsman shall consider the matter from all aspects – (1) as to whether the demand made by the petitioner for a new connection is hit by the provisions of Clause 14 of Regulation 53 as referred to hereinabove (2) Does the same amount to reduction of load or amount to splitting of load? The learned Ombudsman shall be free to decide on the procedures of hearing but should comply with the principles of natural justice. The learned Ombudsman shall pass a reasoned order on the two issues referred to hereinabove within a period of three months from the date of the petitioner approaching the said Ombudsman after hearing the

parties.

The petitioner shall approach the learned Ombudsman within 3rd February, 2021, taking all points required for adjudication of the two issues hereinabove.

It is made clear that I have not gone into the merits of the case except what has been referred to hereinabove and the learned Ombudsman shall give its findings without being influenced in any manner by the instant order.

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.)