

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 5782 of 2019

**Bela Santra
Vs.
CESC Limited & Anr.**

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

Mr. Srijan Nayak,
Ms. Rituparna Maitra
...for the CESC Ltd.

Learned counsel for the petitioner contends that the petitioner has merely prayed for shifting of the electric meter standing in her name from her parental house to her matrimonial home, which are situated at adjacent premises.

Learned counsel appearing for the CESC Limited contends that, although there is no impediment on principal in transferring such meter, since a question of splitting of loads has cropped up, the matter has to be decided by the Ombudsman. It is further submitted by the CESC Limited that the application filed by the petitioner was actually an application for new connection and not an application for mere transfer of electric meter.

That apart, by placing reliance on an order dated March 14, 2019, passed by a coordinate Bench in this

writ petition itself, it is indicated that the learned coordinate Bench clearly observed that the right of the consumer to split consumption load and avail of benefit of a lesser tariff was referred to decision by Ombudsman in this regard and the matter was adjourned awaiting a decision of the Ombudsman.

Upon hearing learned counsel for the parties, it is evident that the Ombudsman is the appropriate authority to decide on the consequential splitting of loads in the event the petitioner's request for transfer of electric meter and/or new connection is granted.

Since the petitioner submits that the petitioner has already moved the Ombudsman, the learned Ombudsman is requested to decide the issue pursuant to transfer of electric meter of the present petitioner as early as possible, preferably within four weeks from the date of communication of this order to the Ombudsman.

W.P.A. No. 5782 of 2019 is, accordingly, disposed of without, however, any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)