

AD. 33.
December 7, 2021.
MNS.

(Through Video Conference)

WPA No. 11531 of 2021

Mithun Sardar
Vs.
CESC Limited and others

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder

... for the petitioner.

Mr. Debanjan Mukherjee

...for the CESC Limited.

Supplementary affidavit filed by the CESC Limited
in Court today be taken on record.

Learned counsel for the petitioner contends that,
despite being entitled to a new connection, the CESC
authorities are declining the application of the petitioner
for such connection on the ground that the petitioner has
not cleared all dues in respect of the same premises
with regard to a previously closed account.

Learned counsel appearing for the CESC Limited,
with leave of court, files a supplementary affidavit and,
placing reliance on the annexures thereof, in particular
at page 8 of the supplementary affidavit, indicates
clearly that the existing consumer number, which was
mentioned in the petitioner's application for new
connection, tallies with that of one Sunil Das.

Learned counsel for the CESC Limited further argues that the petitioner, in suppression of material facts, has given only the meter number of one Sunil Das, who is also a consumer in respect of the same premises, who has no dues.

However, it is argued that, upon tallying the addresses given at the schedule of the purchase deed of the petitioner as well as the application of the petitioner, it will be evident that both pertain to the same premises.

However, it is further submitted that one Krishna Mondal, who also had the same consumer number and meter ID, suffered a disconnection due to non-payment of dues.

Learned counsel for the CESC Limited relies on Annexure – R-4 of the supplementary affidavit at page 26 thereof to bolster such argument.

Such contentions of the CESC Limited are denied by learned counsel for the petitioner, who relies upon the apparent differences in the addresses of the different consumers, as evident from the bills of Sunil Das, Krishna Mondal and the petitioner.

It appears from the materials on record that the consumer number and meter ID of one Krishna Mondal, whose account was closed due to non-payment of arrear dues, tallies with that in respect of which the petitioner claims a new connection. If that be so, the petitioner is

apparently required to put in the defaulted amounts of Krishna Mondal while getting such new connection as per the extant Rules and Regulations. However, in the event the addresses of said Krishna Mondal and the petitioner, as appearing in the former's electric bill and the latter's application, are compared, it will be seen that there are certain discrepancies and differences between the two.

Since the adjudication on the petitioner's grievance requires factual adjudication on the basis of an ascertainment of the meter ID and consumer number and whether the same tallies with the addressees of the defaulter and the present petitioner, it could be beyond the jurisdiction of the writ court to enter into such dispute.

Moreover, since the extant Rules and Regulations provide for an alternative forum in the form of a Grievance Redressal Officer (GRO) and thereafter Ombudsman, it would only be prudent for the matter to be referred to the said authorities.

Accordingly, WPA 11531 of 2021 is disposed of by granting liberty to the petitioner to approach the concerned GRO with the issues agitated in the present writ petition. If so approached, the GRO shall, upon giving necessary opportunity of hearing to the interested parties, decide on the same as expeditiously as possible

and in accordance with law, without being influenced in any manner by any of the observations made herein.

The parties shall act on the written communication by the learned Advocates of the parties, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)