

22.12.2021
(PA – RB)

MAT 664 of 2021
IA No: CAN 1 of 2021
Anisur Rahaman Molla

Vs.

Calcutta Electric Supply Corporation & Ors.

Md. Sarwar Jahan,
Maidul Islam Kayal, Advocates

... For the appellants.

Mr. Bipin Ghosh, Advocate

....For the State.

Dr. Madhusudan Saha Ray, Advocate

....For CESC.

Md. Mansoor Alam, Advocate

....For the private Respondents.

The appellant is aggrieved by the order of the learned Single Judge dated 05th March, 2021 whereby WPA 4365 of 2021 filed by the appellant has been disposed of with a direction to the CESC authorities to comply with the order of the District Magistrate dated 30th July, 2019.

Submission of learned Counsel for the appellant is that the appellant is seeking electricity connection in a different premises and not at V-259, Kankhuli Road, therefore, a separate meter should be installed in that premises for giving the electricity supply.

Submission of learned Counsel for the respondent is that in the premises where the common meter box is installed, a separate meter will be installed and the petitioner will get the electricity

supply in his premises from that meter. He had submitted that the order of the District Magistrate dated 30th July, 2019 has become final, therefore, that is required to be implemented which the learned Single Judge has directed.

Having heard the learned Counsel for the parties and on perusal of the record, it is noticed that the appellant had earlier filed WP No. 7903(W) of 2019 and the learned Single Judge had passed the order dated 24th April, 2019 taking note of the objection to the application for electricity connection and directing that the appellant will be entitled to make an appropriate application before the District Magistrate concerned with regard to the objection of the private respondent within seven days of making fresh application for electricity connection. It was further directed that the District Magistrate will hear the appellant, licensee as well as the private respondent and will dispose of the same within a time bound period. It was clearly stated in the order by the learned Single Judge that the grant of the electricity by the licensee shall abide by the order that may be passed by the concerned District Judge. The above order of the learned Single Judge was not challenged any further and it has attained finality.

Rule 3 of the Works of Licensees Rules, 2006 empowers the District Magistrate to pass an appropriate order in case of objection by the owner or occupier of the building.

In the present case, the District Magistrate has duly considered the issue and had passed the order dated 30th July, 2019 and has directed that CESC will provide a new commercial meter in favour of the appellant subject to fulfillment of other eligible criteria and that the meter will be installed at existing common meter box where the existing domestic meter of the applicant has already been installed.

No application made by the appellant for the electricity connection has been pointed out from the record to substantiate the plea that the electricity connection was sought in a different premises. Even otherwise, the submission of the learned Counsel for the respondent noted in the earlier part of this order falsifies the argument of the appellant. No such argument relating to different premises was otherwise advanced before the learned Single Judge. In these circumstances, we are of the opinion that the order passed by the learned Single Judge does not suffer from any error and no case for interference is made out.

The appeal is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)