

27
23.11.2021
TN

WPA No.14269 of 2021

Sk. Salauddin
Vs.
The State of West Bengal and others

Ms. Pampa Dey (Dhabal)
.... for the petitioner

Mr. Om Narayan Rai,
Mr. Prashant Agarwal
.... for the CESC

An interesting question is raised by learned counsel for the petitioner as regards the applicability of Clause 14 of the West Bengal Electricity Regulatory Commission Act, to the extent that the said Clause applies only in the event an applicant/intending consumer submits any application for new electric connection “with the intention of splitting the load to obtain the benefit of lower charges or furnishes wrong/inaccurate/false statements”. It is contended by learned counsel for the petitioner that, in view of no such intention being apparent from the records, since the petitioner, in his independent capacity as a tenant of the premises, seeks a new connection without any intention of splitting the load, the said

Clause could not be invoked as a valid ground by the CESC to refuse the connection.

On the other hand, learned counsel for the CESC draws the court's attention to the penultimate sentence of Clause 14, which indicates that in such cases, there is a reverse onus on the applicant to prove that the application for new connection is not for the purpose of splitting the load.

It is not apparent from any of the pleadings in the writ petition that there is immediate necessity for taking electric meter in the petitioner's own name, such as any dispute having cropped up between the landlord and the petitioner. However, in view of no such averments having found place in the writ petition, it cannot be said at this premature stage that the petitioner discharged his onus to show that the application was not for the purpose of splitting the load. As such, there is no question of inviting affidavits in this matter and/or to enter into the merits of the objection taken by the CESC.

Moreover, it is within the domain of the Grievance Redressal Officer (GRO) to decide the question as to whether a particular application for new connection falls within the purview of Clause 14 of the West Bengal Electricity Regulatory Commission Act.

As such, WPA No.14269 of 2021 is disposed of by granting liberty to the petitioner to approach the competent GRO as envisaged under the law, for resolution of the dispute.

If such an approach is made, the GRO shall expedite the decision on such dispute to the best of the means available to the Officer.

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.)