

AD. 19.  
November 30, 2021.  
MNS.

**(Through Video Conference)**

WPA No. 16398 of 2021

Sri Sanjib Kundu  
Vs.  
C.E.S.C. Ltd. and others

Mr. Pradip Kumar Kundu

... for the petitioner.

Mr. Madhusudan Saha Roy

...for the CESC Limited.

The grievance of the petitioner is that, despite having received an application for new electric connection to the petitioner's premises on August 21, 2019 and having held an inspection on the very next date, the CESC Limited has not given such new connection to the petitioner as yet.

Learned counsel further contends that the apparent basis of such inactivity of the CESC Limited is due to an objection letter given by a co-owner of the petitioner, who resides in a separate property.

Learned counsel for the petitioner further places reliance on an intimation dated September 10, 2021, annexed at page 32 (Annexure-P5) of the present writ petition, which indicates that the CESC Limited grew wiser subsequently and intimated only on September 10, 2021 that there may be an intention on the part of the petitioner of splitting the existing loads.

Although it is surprising that it took the CESC Limited so long to communicate such objection, in view of the indefinite gap between August 21, 2019, when the inspection was allegedly held, and September 10, 2021, the fact remains that an objection as to splitting of loads have been specifically raised by the CESC Limited in the present matter.

As per the governing Law and Regulations, it is for the petitioner to approach the Grievance Redressal Officer (GRO), who is competent to decide such issue, against whose decision an appeal lies to the Ombudsman. This Court has no intention to usurp the jurisdiction of the said authorities, specifically provided in law, particularly, since the effect of such intrusion on the part of this Court would be that the parties would be deprived from two Forums of challenge before coming to this Court.

Accordingly, WPA 16398 of 2021 is disposed of by granting liberty to the petitioner to approach the GRO in respect of the dispute as to splitting of loads raised by the CESC Limited, as revealed from the communication dated September 10, 2021 (Annexure- P5 to the writ petition), as expeditiously as possible. Upon such approach being made, the GRO shall decide the issue upon giving hearing to both sides and in accordance with law, at the earliest thereafter, preferably within three weeks from such approach.

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.)