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15.12.2021
TN

WPA No.18825 of 2021

Samir Roy
Vs.
Calcutta Electric Supply Corporation Limited
and others

Mr. Subrata Bhattacharjee,
Mr. Hirak Bose

.... for the petitioner

Mr. Suman Ghosh

.... for the CESC Limited

Mr. Rama Prasad Sarkar

.... for the State

Mr. Iftekar Munshi,
Mr. Aasish Chowdhury

.... for the respondent nos.5, 6 and 7

The petitioner contends that, despite having applied for a new connection, no electric supply has been given as yet to the petitioner's premises.

Learned counsel appearing for the Calcutta Electric Supply Corporation Limited (for short "the CESC Limited") submits that, at the point of time when inspection was held by the CESC personnel, it was discovered that there was virtually no existence of any meter room and that all the connected wiring had been damaged/removed. Moreover, the electric supply

had been disconnected from the electric pole itself and not merely within the premises.

Under such circumstances, learned counsel for the CESC Limited contends that in the event police help is given for the purpose of holding inspection and/or giving new connection, and upon compliance of all formalities by the petitioner, as well as the petitioner providing the necessary infrastructure to give such connection, the CESC is otherwise agreeable to give such connection.

Learned counsel appearing for the private respondents, who has raised a specific resistance to the electric connection being given, contends that the petitioner has applied for electric connection in respect of premises no.1/1A, Nandagopal Mukherjee Road, Post Office and Police Station – Sarsuna, Kolkata – 700 061, on the allegation that the premises number previously known as 2/2 of the same road has now been renumbered to 1/1A.

However, learned counsel for the private respondents contends that the two premises are entirely distinct and different from each other and, as such, the electric connection sought by the petitioner cannot be given at the premises number as enumerated in the application.

Since no affidavits are invited, all the allegations levelled by the petitioner against the private respondents are deemed to be denied.

Learned counsel appearing for the State supports the contention of the private respondents in principle on the fact that the two premises are distinct and different from each other.

However, within the purview of the Electricity Act, 2003 and the extant Regulations, the District Magistrate is the appropriate authority to decide on the dispute, if any, raised by anyone at the time of giving new electric connection.

Learned counsel for the petitioner controverts such submissions and places reliance on the caption of an objection apparently given by the private respondents dated August 4, 2021, where the two premises were mentioned as identical, indicating that such mention amounted to an admission on the part of the private respondents to the two properties-in-question being the same.

However, in view of the fact that the private respondents have raised an objection to the electric connection being given, that too, in writing and since the State *prima facie* takes a stand that the two premises are different, it will be appropriate if the matter is referred by the CESC Limited to the District

Magistrate, who is the competent authority in law to decide such disputes.

Accordingly, WPA No.18825 of 2021 is disposed of by giving liberty to the aggrieved party and/or the Distribution licensee to approach the concerned District Magistrate for adjudication on the objection raised by the private respondents to the new connection being given to the petitioner.

The police report filed by learned counsel for the State be kept on record.

It is made clear that the rights and contentions of the parties have not been gone into on merits by this court.

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.)