

AD. 52.  
December 24, 2021.  
MNS.

**(Through Video Conference)**

WPA No. 20100 of 2021

Samar Kumar Jana  
Vs.  
Calcutta Electric Supply  
Corporation Limited and others

Mr. Neil Basu,  
Mr. Rahul Kumar Singh

... for the petitioner.

Mr. Om Narayan Rai,  
Ms. Sumouli Sarkar

...for the CESC Limited.

Mr. Arun Kumar Roy,  
Mr. Subrata Biswas

...for the private respondent no. 5.

Learned counsel for the petitioner submits that initially the petitioner applied for a new electric connection after purchasing a portion/share of the property-in-dispute from the private respondent no. 5.

Such application having been rejected by the CESC Limited on the ground of alleged splitting of load, the petitioner made a fresh application for transfer of name in favour of the petitioner with regard to the existing electric meter.

Subsequently, upon an objection having been raised by the private respondent, the name was re-transferred back in favour of the private respondent no. 5.

It appears upon hearing learned counsel for the parties that the present grievance of the petitioner pertains to the petitioner's application for transfer of name. Since, admittedly, the petitioner is merely a co-owner with the private respondent no. 5 in respect of the premises, the CESC Limited was justified in re-transferring the name at the behest of the private respondent no. 5, since the petitioner cannot, by virtue of purchase of a share in the property, divest the private respondent no. 5 from the entitlement of electricity at the premises.

Moreover, since a specific objection as regards splitting of load has been taken by the CESC Limited on the petitioner's prior application for new connection, there is no jurisdiction of this Court to look into the matter, particularly, since the petitioner virtually waived such application by applying afresh for transfer in the petitioner's name.

However, for the ends of justice, the petitioner is granted liberty to apply afresh for a new electric connection in the premises, subject to the CESC Limited raising any objection thereto, including the objection as regards the splitting of load.

In the event such an objection is raised, liberty is granted to the petitioner to approach the concerned Grievance Redressal Officer (GRO) with such dispute.

If so approached, the GRO shall decide the said question without being influenced in any manner by any of the observations made herein.

Accordingly, WPA No. 20100 of 2021 is disposed of.

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.)