

**19.01.2021**  
**Sl. No.10**  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 23648 of 2019**  
**With**  
**CAN 1 of 2020 (CAN 5473 of 2020)**

**Sudeep Kumar Barik**  
**Vs.**  
**CESC Limited & Ors.**

Mr. Indranil Halder

....for the petitioner.

Ms. Smita Das De

....for CESC Limited.

The petitioner had applied for a new electricity connection at premises no.39/1/A, Agarwala Garden Road, now known as Kabi Guru Sarani, Kolkata – 700 038 (hereinafter referred to as the said premises). It is the case of the petitioner that CESC Limited, pursuant to the petitioner's application, by a letter dated 21<sup>st</sup> August, 2019 asked for the following documents:-

- (i) A certified site plan
- (ii) Deeds/Partition deeds
- (iii) Municipal tax receipts
- (iv) Ownership documents

The petitioner says that the petitioner has produced such documents to the CESC Limited, yet the connection was not given. The petitioner being aggrieved by such action has filed the present writ petition.

On behalf of CESC Limited, it is submitted that on inspection it was found that there is a meter in the name of the petitioner's grandmother wherefrom the petitioner is deriving electricity and as such, a separate meter cannot be granted to the petitioner. CESC Limited is, however, agreeable to transfer the existing meter from the name of the petitioner's grandmother to the petitioner's name subject to payment of necessary security deposit.

The petitioner has annexed to the writ petition a property tax bill issued by Kolkata Municipal Corporation (in short KMC) wherefrom it appears that the name of the petitioner is recorded as an assessee in respect of a portion of the first floor of the said premises. The petitioner has produced a photocopy of a registered gift deed dated 24<sup>th</sup> February, 2016. The petitioner says that the gift deed has also been produced with the officials of CESC Limited pursuant to the letter dated 21<sup>st</sup> August, 2019 from CESC Limited. The photocopy of the deed of gift is taken on record.

On a perusal of the said gift deed, it appears that Smt. Reba Barik, the petitioner's grandmother has gifted a portion of the first floor of the building at premises no. 39/1/A, Agarwala Garden Road, now known as Kabi Guru Sarani, Kolkata – 700 038 to the petitioner. The petitioner, therefor, has become the

owner of a separate unit comprising of the rooms, a kitchen and toilet with common use of staircase and other amenities at the said premises.

The petitioner is seeking a new electric meter in his name and a connection from the existing service main at the said premises for use and enjoyment of electricity at the petitioner's portion. The petitioner is not a recorded consumer of CESC Limited and as such, the petitioner is not asking for a second meter in his name so as to distribute his consumption of electricity in the two meters to pay at a lower rate per unit of electricity being in lower slab to cause revenue loss to CESC Limited. The existing meter in the name of the petitioner's grandmother Smt. Reba Barik, therefor, cannot stand in the way of the petitioner being given a separate meter from the existing main supply at the said premises.

The petitioner's case does not fall within the ambit of splitting of load and/or reduction of load to be covered under Clause 14 of Regulation 53 published by West Bengal Electricity Regulatory Commission on 2<sup>nd</sup> April, 2013. The petitioner's case is, therefor, not required to be sent to the Electricity Ombudsman for adjudication.

In the facts and circumstances as aforesaid, I direct CESC Limited to grant electricity connection to the petitioner through a separate meter within 31<sup>st</sup>

January, 2021, subject to the petitioner paying all costs and charges, if not, already paid and complying with other formalities.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly along with CAN 1 of 2020 without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

**(Arindam Mukherjee, J.)**