

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8290 of 2020

Gobinda Bhuniya
Vs.
CESC Limited & Anr.

Mr. Indranil Halder
... For the petitioner

Mr. Om Narayan Rai
Mr. Prashant Agarwal
... For CESC Limited

The petitioner is seeking a new electricity connection at premises Chatta Ghughu Para, PS – Kalitala Ashuti, Kolkata – 700140. The petitioner’s application has been turned down by CESC Limited by a letter dated 28th September, 2020. The reasons recorded in the said order for refusal to grant electricity are set out hereunder:-

“2. The findings from our site inspection indicates that the premises has already been provided with supply of electricity connection and you are deriving supply from an existing meter thereat. Hence, in our opinion, the instant application for new connection is with the intention of splitting the load to obtain the benefit of lower charges.

3. Accordingly, as per the terms of Clause 14 of the Regulation No.53 of the Learned West Bengal Electricity Regulatory Commission dated 2nd April, 2013, we, therefore, regret our inability to accede to your request for a separate supply in your favour at the above premises.”

On behalf of CESC Limited, it is submitted that the petitioner is residing with his brother and is enjoying electricity from a meter allotted to the petitioner's brother. A new Low Tension (LT) metered connection to the petitioner will amount to splitting of load and/or reduction of load.

After considering the submissions made on behalf of the parties and the materials on record, I find that the petitioner is neither a recorded consumer nor is having any meter in his name. The petitioner is seeking for a LT metered connection from the existing service main. This does not amount to either splitting of load or reduction of the load. The petitioner is also not seeking for a second meter in his name by which the petitioner can reduce the recording of consumption in the two meters by distributing the same in a manner that the petitioner has to pay at a lesser rate per unit being in a lower slab in respect of the two meters instead being in a higher slab if there was a single meter. The petitioner's case, therefor, does not also come within the ambit of clause 14 of Regulation 53 published by the West Bengal Electricity Regulatory Commission on 2nd April, 2013 to be referred to electricity Ombudsman for an adjudication.

In the facts and circumstances as aforesaid, I direct CESC Limited to raise a quotation on the petitioner for the cost and charges required to be borne by the petitioner for the new LT metered connection from the existing service

main at the premises in question. The quotation has to be raised within 9th February, 2021. The petitioner shall pay all necessary cost and expenses as per the quotation within five working days from the date of receipt of the quotation. CESC Limited shall, within five working days from the date of payment made by the petitioner, instal a new meter and give the petitioner a LT metered connection from the existing service main at the premises in question. The petitioner shall comply with all necessary formalities for the purpose of getting a new connection.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

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

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)