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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 9350 of 2020

Sulekha Jana & Anr.

-vs.-

CESC Limited & Ors.

Mr. Anil Kumar Chattopadhyay
...for the petitioners

Mr. Debanjan Mukherjee
...for the CESC Limited

Learned counsel for the petitioners submits that, despite having corresponded with the Officer-in-Charge, Shibpur Police Station, regarding the service of the writ petition on Lakshmi Mondal, pursuant to a previous direction dated February 05, 2021, passed by a coordinate Bench of this Court, the police have not yet replied to such communication.

However, in all fairness, the learned counsel for the petitioners submits that, in the event this Court directs, the petitioners are willing to serve a fresh copy of the writ petition and/or notice on the said private respondent.

At this juncture, learned counsel appearing for the CESC Limited points out that the CESC Limited has taken a specific objection regarding the alleged intention of the petitioners to split the load, as evident

from the communication made on behalf of the CESC Limited, annexed at page 17 of the writ petition (Annexure P-3).

Learned counsel for the petitioners submits that the present writ petition is merely for a direction on the CESC Limited to give electric connection as per the application of the petitioners, in view of the CESC Limited having already received an amount from the petitioners on that score.

However, it is evident that the payment of such amount and/or receipt of the same by the CESC Limited is disputed by learned counsel for the CESC Limited. That apart, the effect of any such payment, even if it was made, has to be gone into on facts. Since the writ court is not a fact-finding forum, and in view of the existence of an alternative forum, justice will be sub-served if the following order is passed:

W.P.A. No. 9350 of 2020 is disposed of, with liberty to the petitioners to approach the concerned Grievance Redressal Officer and then the Ombudsman, if necessary, with the same grievances as agitated in the present writ petition.

If such an approach is made, the said authorities shall decide the matter independently on its own merits without being unduly influenced by any of the observations made herein.

It is made clear that this Court has not entered into the merits of the case.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)