

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10514 of 2020

Asifa Bibi
Vs.
CESC Limited & Anr.

Mr. Bidyut Kumar Halder
Mr. Indranil Halder
... For the petitioner

Dr. Madhusudan Saha Roy
... For CESC Limited

The petitioner applied for a new connection at premises no.V-234/A/1/2, Kankhuli Road, Kolkata – 700018 (hereinafter referred to as the “said premises”). The petitioner says that the petitioner’s father-in-law was the owner of the said premises and the petitioner is staying thereat and needs a new connection.

It is the case of the petitioner that despite acknowledgement of the application made by the petitioner as will appear in the letter of CESC Limited dated 2nd December, 2020 (appearing at page 10 of the writ petition), no supply has been granted.

On behalf of CESC Limited, it was submitted that the petitioner is deriving electricity from an existing meter at the said premises. The said existing meter, according to CESC Limited, is in the name of the landlord who does not reside at the said premises. CESC Limited further alleges that granting a new meter and a connection therefrom to

the petitioner at the said premises will amount to splitting of load and, as such, comes under the ambit of clause 14 of Regulation 53 published by the West Bengal Electricity Regulatory Commission on 2nd April, 2013.

The petitioner, pursuant to the order dated 6th January, 2021, met the Deputy Manager, Commercial, SRO of CESC Limited on 7th January, 2021.

It is submitted by CESC Limited that the meter standing in the name of the so-called landlord of the petitioner can be changed to the name of the petitioner so that the petitioner continues to derive electricity therefrom. The brief points of suggestion from the side of CESC Limited as typed out in a sheet is made over to Court along with a letter dated 5th December, 2020 which does not form part of the petition. The same is considered.

This submission is vague and not acceptable to this Court as the so-called landlord of the petitioner is not a party to this proceeding. Moreover CESC Limited has not spelt out in whose name the said meter stands apart from only alleging that there is an existing meter in the name of the landlord. According to the suggestion of CESC Limited to change the name of the consumer is likely to give rise of further litigation.

The petitioner is not a recorded consumer of CESC Limited. There is no dispute raised by CESC Limited that the petitioner does not reside at the said premises. On the contrary, the petitioner's possession is admitted. There is,

as such, a statutory right in favour of the petitioner and consequent statutory obligation on the part of CESC Limited to give connection to the petitioner. The question of splitting of load would have arisen if the petitioner was seeking for a second meter in her name in order to get the petitioner's consumption distributed through the two meters in such a manner that the petitioner will pay thereby less per unit cost of electricity being placed in a lower slab for both the meters. The case in hand does not also amount to splitting of load. Inasmuch as the premises in question does not have a bulk supply through a single meter and individual consumption being subsequently recorded through separate sub-meters. In view of the aforesaid and on the basis of the bald allegations made by CESC Limited as to splitting of load, the petitioner's case cannot also be referred to electricity Ombudsman for an adjudication in terms of clause 14 of Regulation 53 published by West Bengal Electricity Regulatory Commission on 2nd April, 2013.

In the facts and circumstances, CESC Limited is directed to raise a quotation on the petitioner for the cost and expenses for a new meter in the petitioner's name from the existing supply main at the said premises. The quotation has to be raised within 19th January, 2021. Subject to payment of cost and expenses as per the quotation, CESC Limited shall, within four days from the date of payment made by the petitioner, instal a new meter

and give the petitioner a connection therefrom at the said premises.

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.)