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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11111 of 2020

Sanaulla Molla
Vs.
C.E.S.C. Limited & Anr.

Mr. Indranil Halder
... For the petitioner.

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

The petitioner has applied for a new electricity connection at premises no.Y-237/D, Kanthal Beria Road, Kolkata – 700 018 (hereinafter referred to as the said premises).

By a letter dated 5th December, 2020, CESC Limited, the licensee, has expressed its inability to give connection by recording “supply regretted for splitting load”. Being aggrieved by such action of the CESC Limited, the present writ petition has been filed.

On behalf of the CESC Limited, it is submitted that on inspection it has transpired to CESC Limited, that the said premises already has electricity connection and that the petitioner is deriving supply from an existing meter thereat. Giving a new connection to the petitioner, according to the CESC Limited, will amount to splitting the load

to obtain the benefit of lower charges. A letter also dated 5th December, 2020, which does not form part of the writ petition has been relied upon by CESC Limited, in support of its contention. The said letter is taken on record.

After hearing the parties and considering the materials on record, I find that the contention of CESC Limited, made out in support of its action to refuse a new electricity connection to the petitioner is unfounded. Even if, CESC Limited is allowed to file an affidavit as prayed for there will be no change in the present situation as they have only taken the point of splitting of load and nothing else in its refusal letter which is being considered while passing this order.

The petitioner is not a recorded consumer of CESC Limited. It is also not a case that the petitioner is seeking a second meter to distribute its consumption through the two meters so that less units will be recorded therein than the entire consumption being recorded in one meter thereby giving the petitioner an advantage to pay per unit electricity charges at a lesser rate, being in a lower slab of charges for the two meters. The two letters both dated 5th December, 2020, are also vague. The licensee is statutorily bound to give a new connection to an intending consumer if he is, already, not

enjoying a connection in his name. In the instant case, it appears from the record and the submissions made on behalf of CESC Limited, that there is an existing main service connection at the said premises and there are several individual meters connected thereto through which different persons are deriving electricity. This is also not a case where bulk supply is made through a single meter and individual consumption are recorded through sub-meter where issuance of an independent meter may reduce the load or amount to splitting of load. The petitioner's case, therefor, does not fall within the ambit of Clause 14 of the Regulation 53 published by the West Bengal Electricity Regulatory Commission on 2nd April, 2013 for referring the matter to the electricity Ombudsman.

After finding that the issue of splitting of load as made out in the two letters dated 5th December, 2020 being the ground for refusing a connection to the petitioner is not accepted by the Court, CESC Limited tries to harp on the safety aspect. According to CESC Limited granting a new meter to the petitioner may lead to fire hazard. This contention is also not appreciated as CESC Limited has already given several meters at the said premises. Granting another meter to the petitioner cannot alter the situation as to the fire hazard. It is

also the responsibility of CESC Limited, the licensee to ensure safety measures while giving connection. If such safety measure has not been affected in granting connection through several meters at the said premises, such safety aspect cannot be said to be compromised if the petitioner is given a new meter and a connection therefrom. Giving CESC Limited an opportunity to file affidavit on this ground will only expand the scope of the writ petition beyond the ground taken by CESC Limited to refuse new connection to the petitioner.

In the facts and circumstances of the instant case, I direct CESC Limited, to give a new meter in the name of the petitioner at the said premises from the existing service main so that the petitioner can enjoy electricity at the portion under his occupation.

CESC Limited, is first directed to raise a quotation as to the costs and expenses for the new meter and the connection therefrom on the petitioner within 28th January, 2021. Subject to payment of the costs and expenses as per the quotation, CESC Limited, shall within five (5) days from the date of payment being made by the petitioner, instal a meter and give separate connection to the petitioner through the said meter.

Nothing further remains 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 be given to the parties subject to compliance with all requisite formalities.

(Arindam Mukherjee, J.)