

15.01.2021

Ct. No.23

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IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

WPA 11496 of 2020

Fajila Bibi

Vs.

CESC Limited & Anr.  
(Via Video Conference)

Mr. Bidyut Kumar Halder

Mr. Indranil Halder

... for the petitioner

Mr. Rajiv Lal

... for CESC Limited

The petitioner says that the petitioner is staying at premises no.Y-206, Kanthal Beria Road, Kolkata – 700 018 being a premises of which the petitioner's husband is a co-sharer. The petitioner has applied for a new meter in her name and a new connection through the same from the existing main at the said premises. Despite the application having been made, the petitioner has not been supplied with electricity which has compelled the petitioner to file the instant writ petition.

On behalf of CESC Limited the licensee, it is submitted that the petitioner has suppressed material fact. The petitioner's husband is a recorded consumer of CESC Limited, the licensee. Since the petitioner is staying thereat, she is enjoying electricity from the meter standing in the name of the petitioner. The petitioner has made a

previous application for new connection to CESC Limited prior to the present application which has not been stated in the writ petition. The previous application has been rejected, giving specific reasons for the same. It is further submitted by CESC Limited that this is a case of splitting/reduction of load since petitioner's husband is already enjoying a connection and the petitioner resides with him at the said premises. On this ground the previous application was rejected. The present application has been rejected on 12<sup>th</sup> December, 2020 in view of earlier rejections by citing that the same is a "duplicate application". CESC Limited says that the petitioner's case falls within clause 14 of Regulation 53 published by West Bengal Electricity Regulatory Commission (hereinafter referred to as the "said regulation"). The letter of rejection appears at page 12 of the writ petition.

The allegation of suppression has been denied by the petitioner.

In clause 14 of the said regulation, it is clear that in case of any dispute as to reduction or splitting of load in the event a new connection is sought for, the same has to be settled in the office of the Ombudsman.

Considering the nature of objection raised by CESC Limited, the writ Court will not be able to go into such matters at this stage due to lack of expertise. Even if affidavits are called for, the position will not improve.

In the facts and circumstances as aforesaid, I grant leave to the petitioner to lodge a complaint as against the refusal to grant a new connection by CESC Limited on the ground of splitting/reduction of load to the electricity Ombudsman within 31<sup>st</sup> January, 2021.

The learned Ombudsman, if approached, shall consider the matter from all aspects with regard to the three issues – (1) as to whether the demand for new connection made by the petitioner is hit by the provisions of Clause 14 of Regulation 53 as referred to hereinabove, (2) will the same amount to reduction of load or amount to splitting of load, for which CESC will suffer any revenue loss and (3) is there any other technical difficulty in giving the petitioner a new domestic electricity connection at the premises-in- question?

The learned Ombudsman shall be free to decide on the procedures of hearing but should comply with the principles of natural justice. The learned Ombudsman shall pass a reasoned order on the issues referred to hereinabove within a period of three months from the date of the petitioner approaching the said Ombudsman after hearing the parties and shall immediately thereafter communicate the order to the parties.

It is made clear that I have not gone into the merits of the case except what has been referred to hereinabove for the purpose of deciding this writ petition. The learned

Ombudsman shall give its findings without being influenced in any manner by the instant order.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly 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, is to be given to the parties, upon compliance of necessary formalities.

**(Arindam Mukherjee, J.)**