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28.02.2022
TN

WPA No.3162 of 2022

Somnath Das
Vs.
State of West Bengal and others

(Via Video Conference)

Mr. Goutam Misra
.... for the petitioner

Mr. P.K. Bhattacharya
.... for the State

Mr. Rajiv Lall
.... for the CESC Limited

Mr. Shankha Subhra Mukherjee,
Ms. Barnali Saha
.... for the respondent no.6

Affidavit-of-service filed in court today be kept
on record.

Learned counsel for the petitioner contends
that, on the ground of apprehended splitting of load,
the CESC Limited has refused to give a new electric
connection in the petitioner's name.

Learned counsel for the private respondent no.6
submits that the petitioner has erroneously claimed
tenancy in respect of the premises, whereas the
premises-in-question is a thika tenancy and the

building thereon is in a dilapidated condition, not fit to have an electric connection.

Learned counsel appearing for the CESC Limited submits that in view of the expiry of the time, the previous application of the petitioner for having a new connection in his name has lapsed and, as such, does not exist any more. However, learned counsel for the CESC Limited indicates that the objection as to the apprehended splitting of load still remains, even if the petitioner applies afresh for a new electric connection.

In view of the aforesaid factual scenario, WPA No.3162 of 2022 is disposed of by granting liberty to the petitioner to apply for electricity connection in the petitioner's own name within a week from date, by resorting to appropriate format for the said purpose. The CESC Limited, upon the petitioner filing such application, shall be at liberty to raise any objection regarding splitting of load or otherwise, within a week thereafter.

In the event any such objection as to splitting of load is raised, the petitioner shall refer the matter to the concerned Grievance Redressal Officer (GRO), who is the competent authority in law to decide such issues.

If so approached, the GRO shall decide the dispute in accordance with law, upon giving an opportunity of hearing and/or representation to all the interested parties, as expeditiously as possible, preferably within four weeks from such reference to the GRO.

However, it is made clear that the grant of electricity, if deemed feasible by the CESC Limited and subject to compliance of all formalities by the petitioner, shall not create any special equity or right in favour of the petitioner and it will be open to the petitioner as well as the private respondent no.6 to canvass their respective contentions in respect of the rights of the petitioner in regard to the premises before the appropriate forum.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)