

16th March,
2022
(AK)
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W.P.A 3362 of 2022

Sri Panchu Mitra
Vs.
CESC Limited and others

(Via Video Conference)

Mr. Chandra Sekhar Banerjee
Mr. Shamit Dutta

...for the petitioner.

Mr. Debanjan Mukherji

...for the CESC Limited.

Learned counsel for the CESC Limited files a report dated March 12, 2022 issued by the CESC Limited which indicates that a location for new service was identified by the writ petitioner, which was found to be technically suitable for giving a new service connection to the petitioner. The report be kept on record.

Accordingly, an offer letter dated March 11, 2022 has also been issued to the writ petitioner. A copy of the said offer letter is annexed to the report.

However, learned counsel for the CESC submits that, for providing such new service connection to the petitioner, the latter has to make payment in terms of the offer letter and to comply with the requisite formalities mentioned therein. Moreover, the CESC personnel will require a free access to the proposed location for execution of the work.

Although learned counsel for the petitioner is agreeable to the said proposal of the CESC Limited on principle, it is submitted that the service charge raised in the offer letter is exorbitant, particularly in view of the petitioner working as a day labour.

However, since the offer letter has been issued during pendency of the writ petition and is entirely beyond the scope of the writ petition, there is no scope of the writ court to go into the veracity of the amount determined. Moreover, the appropriate forum for billing disputes is the concerned Grievance Redressal Officer and not the writ court.

Accordingly, WPA 3362 of 2022 is disposed of by directing the CESC Limited to give an electricity connection to the petitioner subject to compliance of all formalities and payment in terms of the offer letter dated March 11, 2022.

It is expected that, in the event such amount is deposited and formalities are complied with, the CESC Limited shall make utmost efforts to give the electricity connection upon compliance of formalities and payment of the required amount, preferably within a fortnight from such compliance by the petitioner.

However, nothing in this order shall prevent the petitioner from preferring a challenge to the bill amount raised in the offer letter before the concerned Grievance Redressal Officer, if the petitioner so chooses.

If so challenged, the appropriate Grievance Redressal Officer shall decide the same in accordance with law upon giving opportunity of hearing to all interested parties.

In the event such challenge is preferred, the above direction of giving new connection shall remain postponed till after the payment of the due amount finally decided by the authorities and/or the Ombudsman thereafter and the electricity connection shall be given after deposit of payment in terms of the final decision of the last adjudicating authority with regard to the amount payable, or the offer letter, as the case may be.

Needless to say, it will be open to the CESC personnel to approach the local police station in the event any obstruction is raised to the CESC personnel giving the new electric connection to the petitioner, if and when given.

If such an approach is made, the Officer-in-Charge/Inspector-in-Charge (as applicable) of the local police station shall extend adequate police assistance to the CESC personnel for the said purpose, at the cost of the petitioner.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)