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11.03.2022
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WPA No.4234 of 2022

Sk. Nazir Hossain
Vs.
CESC Limited and others

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder

.... for the petitioner

Mr. Rajiv Lall

.... for the CESC Limited

Learned counsel for the petitioner contends that, despite a previous direction of this court dated November 25, 2021 passed in WPA No.14338 of 2021, the CESC Limited is refusing to give a new electricity connection to the petitioner primarily on the ground of apprehended splitting of load. It is submitted that the petitioner is unnecessarily being subjected to multiple litigations for the same cause of action.

Learned counsel appearing for the CESC Limited specifically places the order dated November 25, 2021 passed in WPA No.14338 of 2021. A cursory perusal of the same shows that the court had clarified that the CESC Limited was to carry out an inspection in the premises of the petitioner for the purpose of

ascertaining the feasibility and suitable location of giving a new connection in the name of the petitioner. The private respondent and the petitioner were to cooperate with the officials of the CESC Limited at the time of inspection. It was further clarified in the order that, in the event the CESC Limited was of the opinion that there is no bar, at a practical level and/or in law, to provide such new connection to the petitioner, the CESC Limited shall endeavour to give such connection, subject to compliance of all formalities by the petitioner, at the earliest thereafter.

Upon such inspection, it is submitted, the CESC personnel found several hurdles in giving a new electricity connection to the petitioner at the premises-in-question from the existing meter board position. Learned counsel places reliance on the communication on behalf of the CESC Limited to the petitioner in such respect, made after the inspection was held.

It is found from the said communication that several grounds have been cited by the CESC Limited as impediments in giving a new electricity connection to the petitioner from the existing meter board position.

First, the portion of the petitioner was found to be adequately catered with electricity from an electric

meter standing in the name of a cousin cum co-occupier of the petitioner. The same dwelling unit is shared by the said cousin Sk. Anwar Hussain and the petitioner.

Secondly, it was found that the existing service was located inside a room occupied by other existing consumers, namely, Sk. Abbas and Ahmed Hussain, who are respectively the uncle and cousin of the petitioner. Not only verbal objection was raised by the existing consumers, it was seen by the CESC personnel that the gap between the existing meter board and the bed of the said Ahmed Hussain is even less than one feet and there is no working space or proper access to the existing meter board.

That apart, the meter board was found to be already saturated with three meters and there was no space for fixing of additional meter at the said position. Any addition, in the perception of the CESC, could give rise to serious fire hazard causing a threat to the safety of the occupants of the subject premises.

Moreover, the CESC personnel also advised the consumers that the existing service position needs to be shifted to avoid any untoward electrical or fire hazard. However, it is submitted that such shifting cannot be done unless there is consensus on that score between the co-sharers.

Apart from the above contentions, it is clearly provided in the Electricity Act, 2003 and the Regulations framed thereunder by the WBERC that the concerned Grievance Redressal Officer (GRO) is to be approached for redressing such disputes as in the present case.

Hence, WPA No.4234 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned GRO with the disputes relating to apprehended splitting of load in respect of the meter-in-question. However, the petitioner is further required to come to a consensus with his co-owners prior to getting a new electricity connection for the purpose of shifting of the meter board position from the existing location to a safer site.

The GRO is requested to decide the issue, if referred by the petitioner after resolving the issues as regards shifting of the meter board position, as expeditiously after such reference as possible, preferably within six weeks thereafter.

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.)