

AD-06
Ct No.09
26.09.2022
TN

WPA No. 4157 of 2020

Sushil Prasad Singh
Vs.
The Calcutta Electric Supply Corporation
Ltd. and others

Mr. Mohit Kumar Dey,
Ms. Monalisa Maity,
Ms. Indrani Roy

.... for the petitioner

Mr. Uday Sankar Bhattacharya

.... for the CESC Limited

Learned counsel for the petitioner submits that despite the petitioner having applied for a considerable period for new electricity connection in his own name at the premises-in-question, the Distribution Licensee, that is, the Calcutta Electric Supply Corporation Limited (CESC Limited) failed to give such connection, thereby blatantly violating Section 43 of the Electricity Act, 2003, which mandates the Distribution Licensee, if applied for, to give independent electricity connection to all eligible applicants.

Learned counsel appearing for the CESC Limited, by placing reliance on the affidavit-in-opposition used by the CESC Limited, contends that

despite the CESC Limited having specifically issued a letter to the petitioner indicating that the CESC Limited apprehends splitting of load in the event a new connection is given to the petitioner, no reply thereto was given at any point of time by the petitioner, for which the petitioner's application is liable to get rejected.

Learned counsel for the CESC Limited also takes objection as to maintainability on the ground that the statute provides that the matter has to be resolved by the concerned Grievance Redressal Officer (GRO).

Although the petitioner disputes the apprehension of splitting of load raised by the CESC Limited, the CESC Limited is justified in objecting to the writ petition, because it is beyond the authority of the writ court to decide disputed questions of fact which require assessment of material evidence, particularly since the extant Regulations mandate that the GRO is the competent authority to resolve such disputes.

Since there is evidently a dispute as to whether there will be splitting of load in the event the petitioner takes a new connection, since the CESC Limited alleges that the petitioner is already enjoying an electricity connection at the said premises, which

is disputed by the petitioner, WPA No. 4157 of 2020 is disposed of by granting liberty to the petitioner to approach the concerned GRO on the dispute as raised in the present writ petition. Upon such reference by the petitioner, the concerned GRO shall decide the said issue of apprehended splitting of load as expeditiously as possible in accordance with law, upon giving adequate opportunity of hearing to the petitioner as well as the CESC Limited and other interested persons, if any, preferably within four weeks from the date of such reference being made.

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.)