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07.06.2022
TN

WPA No.8472 of 2022

Gopal Chandra Dutta and another
Vs.
CESC Limited and others

Mr. Pratip Mukherjee,
Mr. Rahul Agarwal,
Mr. Arpit Agarawl

.... for the petitioners

Ms. Sreemoyee Mitra

.... for the CESC Limited

Mrs. Sudipa Roy,
Mr. Srinath Singha Roy

.... for the State

The limited prayer of the petitioners is that the electricity connection of the petitioners was disconnected allegedly by the private respondents and the petitioners seek restoration of such connection and a direction upon the CESC Limited to do so.

Learned counsel further submits that the petitioners also seek shifting of the electricity connection of the petitioners from the existing meter board position in view of the inconvenience allegedly

being faced by the petitioners due to the activities of the private respondents.

Learned counsel for the CESC Limited contends that it is not technically feasible to shift the meter board position, since there are five meters in total at the existing meter board position and, in the event any shifting has to be done, all the said meters have to be shifted to a suitable alternative location, for which consent is required from the consumers in respect of all such meters. In the absence of such consent, such steps cannot be taken by the CESC Limited.

It is further submitted that there is no scope of the CESC Limited restoring the electricity connection of the petitioners, which has been disconnected internally, beyond the jurisdiction of the Distribution Licensee. The charter of the Distribution Licensee ends at the connection point of the electricity to the electricity meter. However, internal wiring falls within the domain of the consumers.

In view of such scenario, the relief sought by the petitioners cannot be granted by a writ court. It is obviously beyond the domain of the CESC Limited, as a Distribution Licensee, to 'restore' the electricity connection of the petitioners, all the more since the alleged disconnection was not at its instance. In the

event the petitioners are aggrieved by the alleged disconnection of electricity by the private respondents beyond the point of the electricity meters, it is for the petitioners to approach the appropriate legal authority for getting such relief.

The writ court, under Article 226 of the Constitution of India, does not have jurisdiction to direct the private respondents and/or to assess the allegation on its factual merits.

Since the shifting, as asked for by the petitioners, is also not possible in the absence of consent from all the other consumers of the four meters apart from that of the petitioners, all of which are live, it is not possible to grant the prayer of the petitioners for shifting as well.

Hence, there is no scope of interference in the present writ petition.

Accordingly, WPA No.8472 of 2022 is dismissed without any order as to costs.

However, it is made clear that the merits of the contentions of the petitioners as regards the right of the petitioners to enjoy electricity connection in the property-in-dispute and as regards the purported disconnection of electricity by the private respondents have not been gone into by this court and it will be open to the petitioners to urge such points before any

competent alternative forum, if the petitioners so wish.

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.)