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29.06.2022
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WPA No.10214 of 2022

Sushma Rani Agarwal
Vs.
CESC Limited and another

Mr. Bidyut Halder,
Mr. Indranil Halder

.... for the petitioner

Mr. Debjit Mukherjee

.... for the CESC Limited

Learned counsel for the petitioner contends that the electricity connection of the petitioner was severed on December 09, 2020. As a result, the petitioner sought for a new electricity connection, since the agreement between the CESC Limited and the petitioner stood terminated in the meantime due to a gap of more than six months after the disconnection and the application for new meter. As such, the petitioner not only cleared the previous outstanding dues in respect of the earlier meter, barring a paltry sum of Rs.600/-, the petitioner also applied for a new electricity connection. However, the CESC Limited did not agree to give such new connection on the premise that they apprehended a splitting of load in the event

such connection is given and on the ground that it would be extremely dangerous to have more than one source of supply for a particular unit as it would lead to fire and electrical hazards. However, learned counsel submits that since the petitioner has substantially cleared all dues, particularly in view of the fact that the petitioner had been enjoying a separate electricity connection in her own name at the same premises previously, the new connection ought to be given to the petitioner.

Learned counsel appearing for the CESC Limited contends that although the petitioner had been enjoying a separate connection in her name in the same premises previously, after the same was disconnected in December, 2020, much time elapsed before the petitioner filed an application for new connection. That apart, learned counsel contends that the petitioner had previously written to the CESC Limited indicating that she would not be available for four months, the electricity bill for which period ought to be discounted due to less usage.

A copy of the letter, referred to by learned counsel for the CESC Limited and filed today in court, be kept on record.

However, such letter, it is contended, was given in the month of May, 2019 and much after the expiry of the four months sought by the petitioner, the disconnection was effected due to the outstanding dues have not been cleared by the petitioner.

It is further submitted that in the meantime, the petitioner has been enjoying electricity connection at the same premises from the meter of a third party, for which the apprehension of splitting of load has intervened in the meantime.

Although the petitioner contends that the petitioner has substantially cleared the outstanding dues, since the objection raised by the CESC Limited is on the premise that there could be an apprehended splitting of load and/or electrical hazard if a separate connection is given to the petitioner, although the petitioner used to enjoy a previous connection in her own name at the premises, it may be arguable as to whether, in the interregnum after the disconnection, the petitioner has been using electricity from another person's meter, which might change the ground situation at the premises insofar as the new connection being given to the petitioner is concerned.

Be that as it may, since the concerned Grievance Redressal Officer (GRO) is the designated authority for deciding such disputes, WPA No.10214

of 2022 is disposed of by directing the petitioner to refer the matter to the concerned GRO at the earliest.

Upon such reference being made, the GRO shall decide the issue in accordance with law upon giving adequate opportunity of hearing to all concerned, including the petitioner and the CESC Limited, positively within six weeks from the date of reference.

It is, however, made clear that the merits of the respective contentions of the parties have not been entered into by this court and it will be open to the GRO to decide all such issues independently and in accordance with law without being influenced in any manner by any of the observations made herein, which were made by this court only for the limited purpose of deciding the writ petition.

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.)