

21st June,
2022
(AK)
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W.P.A 10219 of 2022

Amarnath Dutta
Vs.
The CESC Limited and others

Mr. Sanjib Seth
...for the petitioner.

Mr. Debjit Mukherjee
...for the CESC Limited.

Learned counsel for the petitioner contends that, due to resistance put up by the respondent no.3, who is the landlord of the petitioner at the premises-in-question, the CESC Limited is not being able to give electricity connection to the petitioner.

However, learned counsel for the CESC Limited submits that due to the danger of electrical hazard if a new connection is given at the existing position, where the proposed connection is to be given, and since the petitioner is already enjoying electricity at present from another meter at the premises, such new connection cannot be given to the petitioner.

Learned counsel for the petitioner controverts such allegations and submits that the landlord/private respondent no.3 has been disrupting the electricity supply which the petitioner was initially enjoying from the meter of the said landlord although, as a tenant, the petitioner is entitled to a separate electricity connection.

Since none appears for the private respondent despite service, the matter is taken up *ex parte* against the private respondent.

Affidavit-of-service filed in court today be kept on record.

It is evident from the allegations and counter allegations made by the parties that the petitioner is in occupation of the premises and is otherwise entitled to an electricity connection within the purview of Section 43 of the Electricity Act, 2003.

However, such right is not unfettered.

As the CESC Limited has taken certain specific objections on practical grounds to such new connection being given to the petitioner, the petitioner is to approach the concerned Grievance Redressal Officer with the disputes as raised in the present writ petition.

Accordingly, WPA 10219 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned Grievance Redressal Officer with the dispute as raised herein.

If so approached, the GRO shall decide the dispute in accordance with law without being influenced in any manner by any of the observations made herein, upon giving adequate opportunity of hearing to all concerned, as expeditiously as possible, preferably within six weeks from the date of reference.

An inspection report filed by learned counsel for the CESC Limited be kept on record.

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.)