

25 15.09.2022

gd/ssd

FMA/944/2022
IA NO: CAN/1/2022
LAXMI KANTA BHOWMICK
VS
CESC LIMITED AND ORS.

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder
..for the Appellant.

Mr. Om Narayan Rai,
Mr. Debanjan Mukherjee
..for CESC.

Mr. Tapan Coomaar Dey,
Mr. Nirupam Sarkar,
Ms. Shreya Chatterjee
..for the Respondent No.3.

In this intra court appeal the appellant has challenged the order of the learned Single Judge dated 10th June, 2022 whereby WPA 2284 of 2022 has been dismissed.

The appellant had made an application for grant of new service connection to the respondent/CESC and thereafter had approached the writ court when the new service connection was not granted.

Learned Single Judge has taken note of the circumstances in detail, on account of which new service connection to the premises of the appellant could not be granted.

Learned counsel appearing for the respondent/CESC has also taken this court through paragraph 7 of the affidavit-in-opposition which

contained the detailed reasons and the risk involved in granting new service connection to the appellant. He has also pointed out the reasons mentioned in paragraph 5 of the affidavit-in-opposition expressing the inability to grant the service connection through overhead mode.

Faced with the above situation, at this stage learned counsel for the appellant has made a limited prayer that the appellant is ready to apply for separate meter connection other than the service connection and the said application be considered.

Learned counsel for the respondent/CESC has no objection in considering such an application.

Hence, we dispose of this appeal without interfering with the order of the learned Single Judge but by permitting the appellant to apply for separate meter connection other than the service connection and on making such an application, the respondent/CESC will duly consider the same in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of application.

(Prakash Shrivastava, C.J.)

(Sugato Majumdar, J.)

