

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 19691 of 2022

Jayanta Kumar Dey
Vs.
State of West Bengal & Ors.

Mr. Debayan Roy
...for the petitioner

Mr. Rajiv Lall
...for the CESC Limited

Learned counsel appearing for the petitioner contends that the petitioner, as a co-owner, has a right under Section 43 of the Electricity Act, 2003 to have an independent electricity connection in his own name. However, such connection was refused by the CESC Limited on the ground of splitting of load.

Learned counsel appearing for the CESC Limited submits that since an apprehension of splitting of load has been raised in the objection, the appropriate forum for deciding the dispute is the concerned Grievance Redressal Officer. It is further submitted by the CESC Limited that it was justified in taking the objection, since the service connection, from which the petitioner will have to give a new connection, would be the same as the co-owners of the petitioner, which would lead to a splitting of load, consequentially decreasing the electricity bill of each of the consumers unlawfully.

In view of the submissions of the parties, it is evident from the extant Regulations of the WBERC that the matter is judicable by the concerned Grievance Redressal Officer.

Accordingly, W.P.A. No. 19691 of 2022 is disposed of by granting the petitioner liberty to approach the concerned Grievance Redressal Officer having territorial jurisdiction with the dispute as raised in the present writ petition.

If so approached, the Grievance Redressal Officer shall give adequate opportunity of hearing to the petitioner, the CESC Limited and to all other interested persons, if any, and come to a conclusion on the said dispute as early as possible, preferably within six weeks from the date of reference by the petitioner.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)