

01
10.01.2022
TN

WPA No.20945 of 2021

Sandip Sarkar
Vs.
CESC Limited and others

(Via Video Conference)

Mr. Gourab Ghosh,
Mr. Pradip Paul

.... for the petitioner

Mr. Suman Ghosh

.... for the CESC Limited

Learned counsel for the petitioner argues that due to resistance put up by the private respondents, the CESC personnel could not hold an inspection of the petitioner's premises for the purpose of ascertaining the feasibility of giving a new electric connection to the petitioner.

Despite service, none appears for the private respondents, although the petitioner and the CESC Limited are represented through counsel.

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

Learned counsel appearing for the CESC Limited contends that one of the rooms could not be

inspected because the same was locked but has no instruction as to whether any hindrance was created by the private respondents at all. It is submitted that although initially some resistance was put up, the CESC Limited personnel could hold inspection only in respect of one of the rooms. However, in view of the discovery by the CESC personnel, upon such inspection, that there already exists an electric connection at the premises-in-question, it is submitted that the CESC Limited apprehends a splitting of load in the event the requested new connection is given to the petitioner.

In such view of the matter, irrespective of any resistance being put up by the private respondents, the writ court ought not to decide on the issue of splitting of load, since the WBERC Regulations categorically empower the Grievance Redressal Officer (GRO) to decide such questions.

In such view of the matter, WPA No.20945 of 2021 is disposed of by directing the CESC Limited to intimate the stand of the CESC Limited regarding the apprehended splitting of load to the petitioner within a week from date. Upon such stand being taken in writing by the CESC Limited, the petitioner shall be at liberty to approach the concerned GRO within a week thereafter. If so approached, the concerned GRO shall

decide the issue upon giving adequate hearing to all interested parties and convey his decision to the petitioner at the earliest.

The entire exercise ought to be completed preferably within four weeks from the date of the reference to the GRO.

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.)