

OD-3

WPO/2228/2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

INDRANIL CHANDRA
VS
CESC LIMITED AND ORS

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 2nd August, 2022.

Appearance:
Mr. Biplab Rajan Bose, Adv.
Mr. Ashirbad Sarkar, Adv.
...for petitioner.

Mr. Debanjan Mukherjee, Adv.
...for CESC.

The Court : The grievance of the petitioner is that the petitioner's application for a new metered connection at 7, Old Post Office Street, Kolkata – 700001 was refused by the CESC Limited.

Learned Counsel appearing for the CESC Limited, however, contends that the CESC Limited found several safety hazards in view of the prior existence of numerous meters at the said premises, about 82 live meters in number. Hence, the CESC Limited is agreeable to give new connection to the petitioner only subject to the petitioner applying for a block meter along with other consumers at the premises.

Learned Counsel appearing for the petitioner, in reply, contends that the erstwhile consumer, from whose meter the petitioner had been using electricity

previously, surrendered the tenancy subsequently, due to which it is possible for the CESC Limited to transfer the said meter in the name of the petitioner and/or give a new metered connection to the petitioner in place of the said meter.

Upon considering the report filed by the CESC Limited today, which is made part of the record, it transpires that in total 85 meters were found connected for catering to the load requirement of different consumers of the premises and no unused meter was found at the premises at the time of inspection.

It is further submitted that, keeping in view the safety measures, the CESC Limited cannot take the risk of giving another meter connection at the same premises.

Upon hearing learned Counsel for the parties, it is evident that it is practically impossible to give any further new metered connection at the premises in question, keeping in view the safety and security of the inhabitants thereof and of the immediate neighborhood.

Moreover, even if the tenancy of the erstwhile consumer, from whose meter the petitioner used to enjoy electricity, has been surrendered, it does not *ipso facto* mandate the CESC Limited to give a new connection to the petitioner, who may be pretty down in the line of priority for new connections in view of previous applications for new connections at the premises.

In any event, surrender *ipso facto* does not imply the surrender of the electricity meter as well. Hence, the Writ Court ought not to enter into the domain of a fact-finding forum and direct the CESC Limited to do an act, which

is entirely within the jurisdiction and authority of the distribution licensee. Hence, WPO 2228 of 2022 is disposed of by granting liberty to the petitioner to apply for block meter(s) subject to sufficient number of other consumers joining in such application. If such an application is made and subject to compliance of all other formalities, it will be open to the CESC Limited to give such connection to the petitioner.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

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