

25th January,
2023
(AK)
05

W.P.A 1074 of 2023

Jeha Parveen
Vs.
The Chairman, CESC Limited and others

Mr. Bikash Chakraborty
Ms. Pallabi Mondal
...for the petitioner.

Mr. Debanjan Mukherjee
...for the CESC Limited.

Learned counsel for the petitioner contends that the petitioner has a right to get electricity connection under Section 43 of the Electricity Act, 2003, read with Article 21 of the Constitution of India.

However, when the petitioner applied for new electricity connection in the petitioner's name, in the capacity of a tenant in respect of the property-in-question, the CESC Limited initially held an inspection but subsequently intimated vide letter dated October 15, 2022 that the CESC Limited was unable to give such connection.

The refusal was on two scores primarily:

- i) Apprehending splitting of consumption of units within the purview of Regulation 14 of the WBERC Regulations of 2013 and;
- ii) That it is extremely dangerous to have more than one source of supply for a particular unit

as it may lead to fire and electrical hazards within the contemplation of Section 53 of the 2003 Act, read with the 2010 Regulations.

Learned counsel for the CESC Limited places reliance on the said objection and further contends that there are other additional grounds for refusal by the CESC Limited, including huge outstanding dues for a defaulting meter at the same premises, etc.

However, it transpires from the communication dated October 15, 2022 that no such other objections, apart from the two disclosed in their communication, has been raised as yet by the CESC Limited.

Be that as it may, since an objection regarding apprehended splitting of load and safety has been taken, the matter is required to be decided by the concerned Grievance Redressal Officer (GRO) as per the law and the extant Regulations.

Accordingly, WPA 1074 of 2023 is disposed of by granting liberty to the petitioner to approach the concerned GRO with the relief as sought in the present writ petition.

If so approached, the GRO shall decide the issue in accordance with law upon giving an opportunity of hearing to all concerned as expeditiously as possible, preferably within six weeks from the date of such complaint being lodged to the GRO.

It is made clear that it will be open to both sides to raise all their contentions before the GRO without being prejudiced in any manner by any of the observations made herein.

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.)