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20.03.2023  
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In the High Court at Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

W.P.A. No. 1594 of 2023

Dinabandhu Das  
-vs.-  
The State of West Bengal  
& Ors.

Mr. Soumya Banerjee  
Ms. Sucheta Banerjee  
...for the petitioner

Ms. Sreemoyee Mitra  
...for the CESC Limited

Ms. Sutapa Sanyal  
Mr. Anand Farmania  
...for the State

Mr. Pinaki Ranjan Mitra  
...for the respondent no.5

Learned counsel for the petitioner contends that the petitioner is a tenant in respect of the disputed property where he has sought a new commercial connection to run his own business.

However, no such connection is being given by the CESC Limited.

Learned counsel appearing for the CESC Limited submits that the connection sought is commercial in nature. Since there is already an existing commercial connection at the premises in the name of the landlord as per the version of the CESC Limited (which is

disputed by the petitioner, though) there is no scope of giving further connection to the petitioner.

It is apprehended by the CESC Limited that such fresh connection, also commercial in nature, will give rise to splitting of load, which is not permissible in law.

Learned counsel for the private respondent disputes the contentions of the petitioner.

Since the CESC Limited is of the clear opinion that there is an existing commercial connection at the premises, it is beyond the scope of the CESC Limited to give a new connection in the name of the petitioner, particularly since no rift between the landlord and the petitioner has been shown before this court either by way of a pending litigation or in any other manner.

The apprehension of splitting of load cannot be said to be entirely unjustified. However, this court is not the appropriate forum to decide on such issue on merits.

The report filed by the Inspector-in-Charge of the Malipanchghora Police Station through learned counsel for the State be kept on record.

However, in the present circumstances there cannot be any immediate direction to give a new commercial connection to the petitioner.

WPA 1594 of 2023 is disposed of by granting liberty to the petitioner to approach the concerned Grievance Redressal Officer (GRO) with the dispute as

raised between the petitioner and the CESC Limited with regard to the apprehended splitting of load if a new commercial connection is given to the petitioner.

If so approached, the GRO shall decide the issue upon giving opportunity of hearing to the petitioner, the private respondent as well as the licensee as expeditiously as possible, preferably within eight weeks from the date of such reference being made to the GRO and in accordance with law.

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.)**