

22nd March,
2023
(AK)
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W.P.A 4427 of 2023

Sujata Naskar
Vs.
The CESC Limited and others

Mr. Sunny Nandy
Mr. Purnendu Maity
Mr. Subha Pathak

...for the petitioner.

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

Mr. Dwarika Nath Mukherjee
Mr. Manik Lal De

...for the State.

Learned counsel for the petitioner contends that the petitioner, being a tenant in respect of the property-in-question, has applied for a new electricity connection which was never given by the CESC Limited due to hindrances created by the private respondents/landlords.

A report filed today, as per previous direction, by the CESC Limited indicates that an inspection revealed that there is already a dedicated domestic meter bearing no. 2535714 existing at the premises-in-question, solely catering to the petitioner's portion; hence the petitioner could apply for name change in her favour from that of Smt. Arati Chatterjee, while also simultaneously applying for conversion of the existing domestic rate meter to a

commercial rate meter with revised rate implications, subject to submission of necessary documents, such as trade license etc.

However, since the petitioner has applied for a domestic connection, the option given by the CESC Limited does not seem feasible.

Although it might be that the said option was given because it would be technically feasible to have one domestic and another commercial connection in the same premises, as the petitioner specifically seeks a domestic connection, she cannot be saddled with a commercial connection involving more charges.

However, as the CESC Limited apprehends a splitting of load in the event the petitioner is given another connection at the same premises, while there is an existing meter catering to her portion only, the CESC Limited cannot be compelled to give another connection to the petitioner at the premises at the present juncture.

The dispute between the petitioner and the private respondents, the latter being the landlords and the former the tenant of the premises, can only be resolved before an appropriate civil court or the controller.

However, it is beyond the scope of this writ petition to decide such issues.

Accordingly, WPA No. 4427 of 2023 is disposed of by granting liberty to the petitioner to approach the

appropriate court/forum for any relief that she might be wanting in her capacity of a tenant against the private respondents/landlords, including those pertaining to enjoyment of electricity at the premises.

That apart, in the event the private respondent surrenders her electricity connection and/or such electricity connection is severed for any reason, it will be open to the petitioner to apply for a fresh connection which will be considered by the CESC limited in accordance with law and the Regulations.

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.)