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01.05.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 9658 of 2023

Nazrul Ali Mallick
-vs.-
CESC Limited & Ors.

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder,
Ms. Srabanti Das,
Ms. Neha Singh
...for the petitioner

Mr. Suman Ghosh
...for the CESC Limited

It transpires from the communication made by the CESC Limited to the petitioner, a copy of which is handed over in court today by learned counsel for the CESC Limited, which be kept on record, that the Distribution Licensee has placed reliance on Clause 18 of Regulation No. 53 of the West Bengal Electricity Regulatory Commission, which contemplates installation of Block Meters in extremely congested places, for giving a new electricity connection to the petitioner's shop room.

It has been submitted by the CESC Limited that the location at which the petitioner's shop room, for which electricity connection is sought, is situated is a market area, having several consumers, about 75 in number. Hence, not a

single further individual meter can be given at the premises without giving rise to considerable risk of fire and electricity hazards.

Learned counsel appearing for the petitioner submits that the petitioner is the only shop owner in the said market who is deprived of electricity, for which it will be difficult for the petitioner to gather other applicants to obtain a Block Meter.

However, it is seen from Clause 18 of the Regulation No. 53 of the West Bengal Electricity Regulatory Commission that in *bustees*, markets, etc., where it may not be possible to segregate one consumer from an adjacent consumer because of existence of a very large number of consumers in a relatively small premises and where, because of multiplicity of wiring of such a large number of consumers, there may arise fire and safety hazards, the Licensee may effect supply of electricity to all the consumers/intending consumers through a suitably located common meter of adequate capacity to be known as “Block Meter”.

It is obviously the technical expertise of the licensee which has to be taken into account on such score to ascertain whether a Block Meter is necessary.

Admittedly, the area-in-question is a market area, having several other electricity connections. Although the petitioner has claimed that there are

three service connections, from which multiple individual connections have been given, irrespective of the number of service connections, the complexity of wiring at a market place remains the same.

Hence, the objection taken by the CESC Limited cannot be brushed aside altogether. However, since the issue involves a technical element and is required to be adjudicated by the appropriate competent authority, W.P.A. No. 9658 of 2023 is disposed of by granting liberty to the petitioner to approach the concerned Grievance Redressal Officer with the dispute, where the CESC Limited will be at liberty to raise the objection as taken in the present writ petition.

If such an approach is made, the concerned Grievance Redressal Officer shall give opportunity of hearing to the petitioner as well as the Distribution Licensee and all other concerned and decide the issue in accordance with law expeditiously, preferably within eight weeks from the date of such reference being made.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)