

AD-19
Ct No.09
23.06.2023
TN

WPA No. 14491 of 2023

Lalan Singh
Vs.
CESC Limited and others

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder,
Ms. Neha Singh

.... for the petitioner

Mr. Debanjan Mukherji

.... for the CESC Limited

Mr. Debdeep Sinha

.... for the respondent no. 4

Learned counsel for the petitioner submits that due to resistance by the landlady/private respondent no. 4, no electricity connection is being given to the petitioner at the premises where the petitioner is a tenant.

Learned counsel appearing for the petitioner further submits that as per settled law, any person in settled possession of a property is entitled to get electricity connection even without any 'no objection' from the owner of the property. As such, the objection by the landlady need not come in the way of giving independent electricity supply to the petitioner.

Learned counsel for the CESC Limited points out that the CESC Limited has, upon inspection,

written to the petitioner, which communication is also annexed at page-11 of the writ petition, apprehending splitting of the consumption to units if a new connection is given, since the petitioner is already enjoying electricity from his landlady.

Learned counsel appearing for the respondent no. 4 also submits that the petitioner is enjoying electricity from a sub-meter which is connected to the electricity supply of the landlady. As such, there is no necessity for the petitioner to take a separate connection.

An arguable question has been raised in the present case as to whether there is an occasion of splitting of load, since the petitioner is not suffering any immediate threat of eviction from the landlady and/or disconnection, at least as apparent from the records. Since the competent authority to decide the disputes as regards splitting of load, under the law and the prevalent Regulations, is the Grievance Redressal Officer (GRO), it would only be prudent to relegate the matter to the said authority.

Accordingly, WPA No. 14491 of 2023 is disposed of by granting leave to the petitioner to approach the concerned GRO with the disputes as raised in the present writ petition. If so approached, the GRO shall give an opportunity of hearing to the

petitioner, the licensee as well as the respondent no. 4 and, thereafter, pass an order in that regard in accordance with law. The entire exercise, it is expected, shall be concluded within eight weeks from the date of communication of this order to the GRO by the petitioner.

Parties as well as all concerned shall act on the server copy of this order for the purpose of compliance.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)