

D/L. 12.
September 6, 2023.
MNS.

WPA No. 19613 of 2019

Uttam Kumar Halder
Vs.
The Chairman, West Bengal State
Electricity Distribution Company
Limited and another

Mr. Srikanta Paul

... for the petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

1. Learned counsel for the petitioner submits that the petitioner is a practising advocate and his practice is hampered due to refusal by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) to give separate electricity connection for running the petitioner's chamber.
2. It is submitted that although the petitioner has an existing connection at the premises, he wants to have a separate meter to cater to electricity supply of his chamber.
3. It is argued that the petitioner has a right in law to get such separate electricity connection; so the refusal by the WBSEDCL is unjust and *de hors* the law.

4. The petitioner also approached the appropriate consumer forum and got an order there. However, in an appeal, the said order was set aside.
5. Learned counsel appearing for the petitioner places reliance on the refusal letter of the WBSEDCL, which cites the ground of apprehended splitting of load.
6. Learned counsel appearing for the WBSEDCL submits that, in law, the WBSEDCL is entitled to give such objection.
7. In fact, the petitioner is already enjoying electricity in the same premises and there is no bar for the petitioner to use such electricity connection for his chamber at the same premises as well.
8. Spilling of load is a valid ground under the regulations framed by the West Bengal Electricity Regulatory Commission with the aegis of the Electricity Act, 2003 (2003 Act) for refusing separate connection.
9. It transpires from the facts of the present case that the said objection is valid in the present circumstance, since the petitioner is already enjoying an electricity supply in his own name

at the same premises, where a new connection is sought.

10. There is no occasion of the petitioner to seek a new electricity connection, metered or otherwise, in the same premises to cater merely for another room in the premises, on the notional distinction that the same will be used as a lawyer's chamber.

11. Such being the case, the apprehension of the WBSEDCL regarding spilling of load is perfectly justified.

12. The petitioner evidently seeks such connection merely to get an undue advantage from the WBSEDCL in reducing the electricity charges payable.

13. Hence, the stand taken by the WBSEDCL is sanctioned of law.

14. Accordingly, WPA No. 19613 of 2019 is dismissed.

15. There will be no order as to costs.

16. 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.)