

D/L. 20.
October 18, 2023.
MNS.

WPA No. 23179 of 2023

Antara Biswas
Vs.
CESC Limited and another

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

... for the petitioner.

Mr. Debanjan Mukherji

...for the CESC Limited.

1. Learned counsel for the petitioner contends that the petitioner initially applied for a second domestic electricity connection, which was refused by the CESC Limited.
2. Subsequently, the petitioner has obtained a certificate of enlistment for running a commercial establishment and has applied for commercial electricity connection, which has since been refused by the CESC Limited on the ground of apprehended splitting of load.
3. Learned counsel for the CESC Limited submits that the petitioner is trying to derive an advantage obliquely which he cannot get directly. Initially an application for domestic connection was made and the CESC Limited

inspected and found out that the petitioner was already enjoying a previous connection in respect of the same property. As such, the said application for domestic electricity connection was refused on the ground of splitting of load.

4. To bypass such objection, the petitioner has now come up with a purported certificate of enlistment for commercial establishment and is seeking an electricity connection for the said establishment in the teeth of the previous refusal by the CESC Limited on the ground of splitting of load. Thus, the CESC Limited intends to have a further inspection to ascertain whether actually any commercial establishment is running in the premises for a commercial connection to be given.
5. However, such objection on the part of the CESC Limited cannot be accepted.
6. Although the objection as to apprehended splitting of load is perfectly justified, since by such splitting of load, a consumer may reduce the total payment which has to be made for the increased load, which would have been higher if it was taken from the same connection, by taking a new connection.

7. Yet, such apprehension is off-set by the petitioner's fresh application now being for a commercial connection, which fetches higher revenue for the CESC Limited and thus obliterates the advantage of splitting of load which might otherwise be obtained by the consumer.
8. That apart, the previous rejection was in respect of a domestic connection application. The present application is one for commercial connection, which is an entirely new application for a connection of a different nature.
9. Thus, the previous rejection cannot come in the way of the petitioner's obtaining a commercial connection for the same premises.
10. Since the petitioner has *prima facie* proved that a commercial establishment is proposed to be run from the premises, by producing a certificate of enlistment, the CESC Limited, being the Distribution Licensee, does not have the jurisdiction to investigate further by making an inspection of the property in a roving enquiry as to whereto an establishment is actually being run commercially from the said

premises. The certificate of enlistment and the application for commercial connection is sufficient for such purpose.

11. Thus, the petitioner is entitled to get a direction for such commercial connection to be given by brushing aside the objection of splitting of load taken by the CESC Limited.

12. Accordingly, WPA No. 23179 of 2023 is allowed, thereby directing the CESC Limited to issue an offer letter to the petitioner indicating the payments which are required to be made by the petitioner, within a week from date.

13. Upon compliance of due formalities by the petitioner, the CESC Limited shall, within a fortnight thereafter, give such connection to the petitioner.

14. There will be no order as to costs.

15. 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.)