

D/L. 22.
November 23, 2023.
MNS.

WPA No. 23902 of 2023

Susanta Dutta
Vs.
The C.E.S.C. Limited and others

Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya

... for the petitioner.

Dr. Madhusudan Saha Roy

...for the CESC Limited.

Mr. Debdipto Banerjee,
Mr. Soumen Banerjee

...for the respondent nos. 4 to 6.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner submits that the petitioner applied for an electricity connection for running his jewellery shop at 8, Laljee Shah Street, Dum Dum Cantonment, Kolkata- 700 028. However, due to resistance by the private respondents, the connection could not be given by the CESC Limited.
3. It is further argued by the petitioner that the petitioner used to enjoy electricity connection from the adjacent Premises No. 9, Laljee Shah Street, which his son is occupying, but

the said connection was severed by the private respondents.

4. The private respondents are represented through counsel and submit that they have no objection if the connection is given to the petitioner at Premises No. 8, Laljee Shah Street.
5. Learned counsel appearing for the CESC Limited submits that the petitioner is already enjoying electricity connection in his own name from Premises No. 9, Laljee Shah Street which, although an adjacent premises, is structurally the same building as Premises No. 8, Laljee Shah Street for which there will be splitting of load if a new connection is given to the petitioner.
6. It is further submitted that if the petitioner is seeking to enhance the load, the petitioner may so apply, for which CESC Limited is willing to enhance the same.
7. The moot question which arises, is whether the Premises Nos. 8 and 9, Laljee Shah Street, although marked as different premises, belongs structurally to the same construction/building. If so, there might be some justification in the objection of the CESC

limited; otherwise there cannot be any restriction to give electricity connection at the separate premises.

8. However, the writ court is not the appropriate forum for adjudicating such issue on facts, which requires factual enquiry and consideration of material evidence.
9. Accordingly, WPA No. 23902 of 2023 is disposed of by granting leave to the petitioner to approach the concerned Grievance Redressal Officer (GRO) for resolution of the issue raised in the writ petition. If so approached, the GRO shall decide the same upon hearing both sides in accordance with law as expeditiously as possible, positively within six weeks from the approach being made by the petitioner.
10. Since no affidavits have been directed, it is deemed that none of the allegations are admitted by any of the respondents.
11. There will be no order as to costs.
12. 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.)