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gd/ssd

MAT/1891/2022
IA NO: CAN/1/2022
PUSPA CHOWDHURY
VS
CALCUTTA ELECTRICITY SUPPLY
CORPORATION LTD. AND ORS.

Mr. Shambhu Nath Ray,
Ms. Tuhina Parvin,
Ms. Amrita Tewari,
Mr. Bikramjit Mandal
...for the Appellant.

Mr. Om Narayan Rai,
Ms. Sumouli Sarkar
...for the Respondent Nos.1 and 2.

Mr. Falguni Bandyopadhyay,
Ms. Riya Ballav
...for the Private Respondent.

By this intra court appeal the private respondent no.4 in the writ petition has challenged the order of the learned Single Judge dated 17th November, 2022 whereby WPA 1421 of 2022 has been disposed of with certain directions.

The writ petitioner had approached the learned Single Judge by way of WPA 1421 of 2022 with the plea that she was the tenant of the appellant and living without electricity and aged about 62 years, therefore, she was facing serious inconvenience and even after the application to the concerned authority the electricity connection was not provided. Hence, a prayer was made in the petition to issue the direction to the

respondent/CESC to install a new electricity connection in the premises in question.

Learned Single Judge has disposed of the petition by directing the respondent/CESC to give the electricity connection to the writ petitioner subject to the petitioner making an application in complying with all the formalities and also giving affidavit to the effect that the writ petitioner will not have any objection if electricity connection is given to any other consumer from the said block meter.

Learned counsel appearing for the appellant submits that the learned Single Judge has not considered the earlier order dated 11th March, 2022 while issuing the above direction and that the appellant has right to object to give the electricity connections to other tenants from the said block meter.

Learned counsel for the CESC has pointed out that the block meter is required to be installed at the congested places and the regulation exists in this regard and also that the appellant's right to object to further connections from the block meter has not been taken away.

Learned counsel for the writ petitioner has also submitted that the efforts for the settlement between the parties have failed and for the rent dispute another forum is available to the appellant.

Having heard the learned counsel for the parties and perused the record, it is noticed that the fact that the writ petitioner, a widow aged lady, having no electricity connection, is not in dispute. So far as the installation of the block meter is concerned, the Regulation 18 of the West Bengal Electricity Regulatory Commission (Recovery of Expenditure for Providing New Connections) Regulations, 2013 provides for installation of the block meters in extremely congested places. Hence, the provision for installation of such a meter exists. The order of the learned Single Judge reflects that no undertaking or affidavit has been taken from the appellant but the said undertaking by way of affidavit is from the writ petitioner not to object to electricity connection to others from the block meter. Hence, the right of the appellant to object is not taken away by the impugned order of the learned Single Judge. It has also been pointed out that the order of the learned Single Judge has already been complied with and block meter has been installed in the premises in question on 13th January, 2023. The order dated 11th March, 2022 referred to by learned counsel for the appellant only indicates the effort to explore the scope of amicable settlement and by that order no rights of the parties were decided.

In the aforesaid circumstances of the case, we are

of the opinion that the order of the learned Single Judge does not suffer from any error and no case for interference is made out in this appeal.

The appeal is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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