

OD-15

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1555/2023
RITUPARNA GHOSH & ANR.
VERSUS
CALCUTTA ELECTRIC SUPPLY CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 25th September, 2023

Appearance :

*Mr. Dhananjaya Nayak, Adv.
Mr. Sourav Sardar, Adv.
... for the petitioner*

*Mr. Aniruddha Ganguly, Adv.
... for the CESC*

*Mr. Paritosh Sinha, Adv.
Ms. Priyamvada Singh, Adv.
Mr. Debangshu Dinda, Adv.
... for State*

The Court : Learned counsel for the petitioner submits that the petitioners have fallen out of with the brothers of their predecessor-in-interest/father namely, Paritosh Ghosh. As such, the petitioners have sought for a new electricity connection which has been refused by the Distribution licensee on the ground that there might be splitting of load. It is submitted that since the petitioners' interest is separate from the private respondents, the said ground of refusal is not tenable in the eye of law.

Affidavit of service filed today be kept on record.

The appearance of Mr. Aniruddha Ganguly, learned advocate, be regularized by the CESC Limited, to represent the CESC Limited in this particular matter (along with his senior Mr. Debanjan Mukherjee).

Heard learned counsel for the parties. It appears that there is a factual dispute as to whether the petitioners really represent a different interest than the private respondents, who are enjoying electricity connection in the same premises. To resolve such issue of fact, it is appropriate that the competent authority under the law, that is, the concerned Grievance Redressal Officer, is required to resolve the dispute.

Accordingly, WPO 1555 of 2023 is disposed of by granting liberty to the petitioners to approach the concerned Grievance Redressal Officer with the dispute as raised in the present writ petition. If so approached, the concerned Grievance Redressal Officer shall decide the issue in accordance with law as expeditiously as possible and upon giving opportunity of hearing to all concerned, preferably within six weeks from the date of approach being made by the petitioners.

No orders as costs.

(SABYASACHI BHATTACHARYYA, J.)