

July 9, 2024
Sl. No.16
Court No.9
s.biswas

WPA 10795 of 2024

Md. Riyazuddin
vs.
CESC Limited and another

Mr. Bidyut Kumar Halder
Mr. Indranil Halder

... for the petitioner

Mr. Shoham Sanyal

... for the CESC

1. The petitioner claims new electric connection to the premises situated at 45, Pilkhana Road, 1st Lane, Howrah. The petitioner claims to be an occupier. As the CESC authorities failed to grant connection, the petitioner approached this court by filing WPA 261 of 2024. The said writ petition was disposed of by a Co-ordinate Bench with the following order:-

“4. On query of court, learned counsel for the CESC Limited submits that no written objection was given at any point of time by the private respondent no.4, but verbal objection and obstruction was created.

5. The CESC Limited is otherwise agreeable to give electricity connection to the petitioner, subject to compliance of all formalities and police assistance.

6. Since the petitioner has made out a prima facie case of being in occupation of the property, the petitioner is entitled to get electricity connection under Section 43 of the Electricity Act, 2003, at the property in his name.

7. Accordingly, W.P.A. No.261 of 2024 is allowed, thereby directing the CESC Limited to give electricity connection to the petitioner by way of a loop meter or as otherwise convenient, from the existing meter board position at the premises, subject to compliance of all formalities by the petitioner, preferably within a fortnight from the date of such compliance by the petitioner or from this day, whichever is later.”

2. Thereafter, the CESC authorities issued a notice to the petitioner claiming outstanding dues standing in the name of Mr. Alamgir, bearing Consumer No.55012083037. The supply was allegedly disconnected on December 18, 2023, due to non-payment of the outstanding dues of Rs.1,89,782.71/-.
3. It appears that the Grievance Redressal Officer passed an order dated October 30, 2023, directing payment of the said dues, but no payment had been made.
4. Mr. Halder, learned advocate for the petitioner, submit that the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, will not be applicable as the petitioner does not have any nexus with Mr. Alamgir.

5. It is contended that the petitioner was put in possession of the property by a promoter/developer, but no deed of conveyance has yet been executed.
6. Mr. Sanyal, learned advocate appearing for the CESC Limited, submits that the supply was disconnected for non-payment of dues on December 18, 2023. Whether the petitioner was enjoying electricity from the said meter has to be ascertained. Secondly, whether there was any nexus between Mr. Alamgir and the petitioner or what would be the proportionate amount to be paid by the petitioner, if there were more than one person enjoying the said meter, are matters of evidence.
7. Under such circumstances, the CESC authority will make an inspection of the premises and note the factual aspects involved. The petitioner is granted liberty to approach the Grievance Redressal Officer, Howrah Regional Office, with his grievance. The CESC authorities will be heard along with the petitioner and necessary direction will be passed within three weeks from the date the petitioner approaches the GRO. The authority will not only decide the nexus, but also the proportionate payment that shall be made by

the petitioner, if any nexus is detected, upon appreciation of the facts.

8. The writ petition stands disposed of accordingly.
9. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)