

15.07.2024
Court No.09
Item no.139
CP

WPA No. 15521 of 2024

Uma Shaw
Vs.
The CESC Limited & ors.

Mr. Indranil Halder

....for the petitioner.

Mr. Suman Ghosh

....for the CESC Limited.

The petitioner is aggrieved by the inaction on the part of the CESC authorities in granting new service connection to the petitioner. Reliance has been placed on a decision of this court (Circuit Bench at Port Blair), in the matter of Avimanyu Mazumdar vs. Superintending Engineer, reported in 2011 (2) CHN 768. It had been categorically held that a person in occupation of any premises, is entitled to electricity. The petitioner alleges to have approached the Grievance Redressal Officer, CESC Limited, North Regional Office, Kolkata by filing application, which has not yet been disposed of.

Mr. Ghosh, learned advocate appearing for the CESC Limited, submits that the petitioner is enjoying the electricity through a common meter along with other family members. The house is a single storeyed building. There is no evidence that any partition had been effected between the petitioner and the co-sharers indicating that they are residing separately

and they have specific and demarcated shares in the property.

It is apprehended by the CESC Ltd. that this is a case of splitting of load and such splitting of load is a bar as per the regulations. The CESC Ltd. has also relied on certain judgments of this court. Two Division Benches have upheld the provision of the regulations, which prevent splitting of load. The CESC Ltd. by a letter dated April 7, 2024, indicated to the petitioner that the connection could not be granted for such reason.

Under such circumstances, the writ petition is disposed of with a direction upon the respondent no. 3 to decide the application of the petitioner upon hearing the petitioner and an authorized representative of the CESC Ltd. In the meantime, if the petitioner can provide any partition deed or any deed of family settlement which would be proof of separate residence within the same dwelling house by each of the co-sharers, in that event the CESC Ltd. shall proceed in accordance with law in the matter of granting connection.

Accordingly, the writ petition is disposed of.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)