

19.05.2025
Sl. No.2
Ct. No.15
S.A.

WPA 2243 of 2025

Uttam Barman
-vs-
CESC Limited & Ors.

Mr. Indranil Halder
...for the petitioner
Mr. Ram Chandra Guchhait
...for CESC Limited
Mr. Sailen Naskar
...for the private respondent

The facts relating to this writ petition have already been recorded in the order dated April 28, 2025. The relevant portion of the said order is reproduced below:

“The petitioner asserts that possession of the relevant premises was transferred to him by one Krishna Dutta through an agreement dated December 9, 2024. He further contends that, pursuant to the said agreement, he has been in settled possession of the premises.

Conversely, CESC claims that Krishna Dutta no longer resides at the relevant premises, a fact disputed by the petitioner. CESC further alleges that the petitioner has been utilizing electricity supplied through a meter registered in the name of Krishna Dutta.

In view of the foregoing, the petitioner is directed to add Krishna Dutta as a respondent in this writ petition. A copy of the writ petition, along with a copy of this order, shall be served upon the newly added respondent, Krishna Dutta, within seven days from the date hereof.

The matter shall be listed again after ten days under the same heading.

The petitioner is directed to file an affidavit of service on the next date of hearing.”

Today, the added respondent, Sri Krishna Dutta, is represented before the Court.

The added respondent supports the case of the petitioner and submits that, out of a total of two katas of land, he handed over possession of one kata to the petitioner. He further affirms that he continues to reside on the remaining one kata of land along with his family members.

The learned advocate appearing on behalf of CESC Limited strongly opposes the petitioner's prayer. He contends that the petitioner is currently availing electricity through a connection that is registered in the name of the added respondent. Granting a separate service connection to the petitioner would amount to a splitting of load. He further argues that, in light of the disputed facts involved, the matter ought to be referred to the appropriate Grievance Redressal Officer.

Upon consideration, I find merit in the petitioner's case. The issue of load splitting must be assessed in the context of the relationship between the existing consumer and the applicant seeking a separate connection. To establish splitting of load, it

must be demonstrated that the request for a separate connection is merely an attempt to circumvent the applicable electricity tariff.

In the present case, I find no such nexus between the petitioner and the added respondent. The latter merely transferred possession of one kata of land to the petitioner and has no further connection with him. Since the petitioner is in settled possession of the one kata of land, he is entitled to obtain a separate electricity connection.

Accordingly, CESC Limited is directed to provide a separate electricity connection to the petitioner from a loop meter to be installed in the existing meter box, within a period of three weeks from the date of this order, subject to the petitioner's compliance with all requisite formalities.

Accordingly, **WPA 2243 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)