

29.04.2025

Item No. DL11
Court No. 15

Asraf, A.R.(Ct.)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Case No. **WPA 6252 of 2025**

SALIL KUMAR DEY

....Writ Petitioner

VS.

CESC LIMITED & ANR.

....Respondents

For the Petitioner :

Mr. Indranil Halder

....Advocate

For the CESC Ltd. :

Mr. Suman Ghosh

....Advocate

The petitioner seeks a separate domestic electricity connection for the premises located at 6/B, Ghosh Lane, Kolkata - 700006.

It is submitted that the petitioner and his two brothers are co-owners of the premises. One of the brothers, who is married, currently resides on the first floor, while the petitioner shares the ground floor with his other, unmarried brother. The petitioner submits that, as the married brother on the first floor constitutes a separate family unit, it is necessary to provide a separate electricity connection for the ground floor to adequately serve the needs of the petitioner and his unmarried brother.

The learned advocate appearing on behalf of CESC submits that the premises currently receive electricity through a single meter, which provides an adequate load for the entire household. Accordingly, it is contended that there is no justification for granting an additional electricity connection for the said premises. It is further submitted that the existing meter is registered in the name of Krishna Chandra Dey, the deceased father of the petitioner. Any additional connection at the premises shall result in the splitting of load.

The relevant regulation regarding splitting of load is quoted below:

“14. Effect of splitting of load:

If any applicant / intending consumer / consumer submits any application for new connection(s) with the intention of splitting the load to obtain the benefit of lower charges or furnishes wrong / inaccurate / false statements, his application would be liable to be rejected under the provision of the Act, or the regulations made thereunder, and 25% of payments / deposits if already made by him by way of charges for obtaining new connection in terms of these regulations, shall be forfeited by the distribution licensee before the rest of the charges is refunded to him. While rejecting the application the consumer / intending consumer is to be intimated in writing about the ground for rejection. It will be the onus of the applicant to prove that the application for new connection is not for the purpose of splitting the load. Any dispute in this regard is to be settled in the Office of the Ombudsman.”

The aforesaid regulation does not necessarily imply that every prayer for separate connection shall be rejected on the ground of splitting of load for lower charges. When the application for a separate connection is made out of a bona fide and reasonable requirement of the consumer, the same should be allowed. It is not proper for the licensee company to decline a separate connection on the ground that the relevant premises has not been separated by a partition deed or by a declaration of the Civil Court. It is the settled possession, not the title which requires to be looked into by the licensee company for effecting the connection. In the present case, the petitioner submits that he along with his unmarried brother live separately on the ground floor of the premises while the first floor is under the exclusive possession of their married brother and his family members. In such a scenario, the application for a separate connection cannot be rejected on the ground that it may result in splitting of load. A partition deed will not be required for effecting the connection if it is found that for all practical purpose the petitioner and his brother live on the ground floor separately from their brother on the first floor.

Having considered the submissions, I am of the view that the petitioner ought to be afforded an opportunity to make a representation before the appropriate Grievance Redressal Officer for a separate electricity connection.

In the event such a representation is filed within fifteen days from the date of this order, the Grievance Redressal Officer shall dispose of the same within a period of one month, in the light of the observations made in this order, after affording an opportunity of hearing to the petitioner and the representatives of CESC.

With the above observations, WPA 6252 of 2025 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Kausik Chanda, J.)