

(1997) 04 CAL CK 0027

Calcutta High Court

Case No: Writ Petition No. 3948 (W) of 1997

Shree Hanuman Jute
Mills Ltd.

APPELLANT

Vs

Calcutta Electricity
Supply Corporation
Limited

RESPONDENT

Date of Decision: April 3, 1997

Acts Referred:

- Electricity Act, 1910 - Section 22

Citation: (1997) 2 ILR (Cal) 122

Hon'ble Judges: Satyabrata Sinha, J

Bench: Single Bench

Advocate: Bidyut Kumar Halder, for the Appellant; R. Deb, for the Respondent

Final Decision: Allowed

Judgement

Satyabrata Sinha, J.

The Petitioner in this application has, inter alia, prayed for issuance of a writ of or in the nature of mandamus directing the Respondents to instal a new meter.

2. The basic fact of the matter is not in dispute. The Petitioner filed an application for supply of low-tension electrical energy for commercial and industrial purposes before the Respondent company and for that purpose an inspection was made on October 15, 1996. By a letter dated November 21, 1996 as contained in Annexure "A" to the writ application the Petitioner's aforementioned application was rejected on the ground that as in the same premises a high-tension supply is existing, it is unable to offer the Petitioner for low-tension supply as asked for. The Petitioner was, therefore, requested to contact the high-tension consumer of Calcutta Electricity Supply Corporation Ltd. who would be in a position to meet his demand.

3. Mr. Bidyut Kumar Haider, learned Counsel appearing on behalf of the Petitioner submits that the said letter is illegal, being in contravention of the provision of the Indian Electricity Act.

4. Mr. Deb, learned Counsel appearing on behalf of the Respondents submits that when a high-tension electrical energy has been supplied to a consumer in the premises in question, the Petitioner is bound to take electrical connection from him.

5. It is not disputed that the Petitioner would get only high-tension supply from the said consumer of Calcutta Electricity Supply Corporation Ltd. It has also not been disputed that Calcutta Electricity Supply Corporation Ltd. is a licensee and it has a statutory obligation to supply electrical energy to all consumers if the area falls within the area of supply of the license. Only, because a high-tension supply has been granted to one consumer, nobody under law can be forced to take supply from it. The Calcutta Electricity Supply Corporation Ltd. being a licensee is bound by the provisions of the Indian Electricity Act, 1910 and the rules framed thereunder. It must comply with its statutory obligation in terms of Section 22 of the Indian Electricity Act. It can neither delegate its power to a third party nor can compel somebody to purchase electrical energy from another consumer. Such an action on the part of the Respondent company is absolutely illegal and contrary to the provision of the Indian Electricity Act and the rules framed thereunder.

6. As regards the question of safety, electrical connection has to be granted by the licensee upon complying with all the safety requirements as envisaged under the Indian Electricity Act and the rules framed thereunder and for that purpose if it has to incur extra expenditure that by itself would not dis-entitle the Petitioner from having electrical connection for which he has a statutory right in terms of Section 22 of the Indian Electricity Act. Electricity is a basic amenity. The Petitioner had sought for supply of electrical energy for commercial purposes. It cannot be forced to take high-tension supply from another consumer for which the Petitioner would be required to pay higher charges! This aspect of the matter has been considered in details by this Court in *Brojendra Nath Samanta v. Calcutta Electricity Supply Corporation Ltd.* C.O. No. 18364 (W) of 1996, C.M.C.C.O. No. 18909 (W) of 1996.

7. This application is, therefore, allowed and the Respondent company is hereby directed to comply with its statutory obligation within a period of four weeks from the date of compliance of the statutory and all other formalities. The Petitioner is also entitled to costs of this application. Advocates fees assessed at 100 Gms.