

Constitutional Writ

Present : The Hon'ble Mr Justice Jayanta Kumar Biswas

Judgment on 30.08.2010  
W.P.No.17976 (W) of 2010  
Lalmuni Devi

-s-  
CESC Limited & Anr.

POINTS:

**NEW CONNECTION , SPLITTING OF LOAD:** Application for new connection turned down citing splitting of load- **West Bengal Electricity Regulatory Commission (Recovery of Expenditure for Providing New Connections) Regulations, 2005 – Reg.15**

FACTS:

The petitioner is aggrieved by the decision of CESC dated May 15, 2010 turning down her application for new connection citing splitting of load and referring to the provisions of reg.15 of the West Bengal Electricity Regulatory Commission (Recovery of Expenditure for Providing New Connections) Regulations, 2005.

HELD:

The petitioner did not approach the Ombudsman in terms of the provisions of reg.15, although the regulation was specifically referred to in the impugned order. The petitioner's statutory remedy was before the Ombudsman. There is no reason for the High Court to exercise power under art.226. The petitioner is free to approach the Ombudsman. Para 3

Mr. Tapas Mukherjee

.... for the petitioner

Mr. Om Narayan Rai

....for CESC

The Court : The petitioner is aggrieved by the decision of CESC dated May 15, 2010 turning down her application for new connection citing splitting of load and referring to the provisions of reg.15 of the West Bengal Electricity Regulatory Commission (Recovery of Expenditure for Providing New Connections) Regulations, 2005.

2. The provisions of reg.15 provide that if a licensee declines to give new connection alleging that the application was filed with a view to splitting the load, then it will be the onus of the applicant to prove that the application for new connection was not for the purpose of splitting the load; and further that any dispute over the matter is to be settled in the office of the Ombudsman.

3. The petitioner did not approach the Ombudsman in terms of the provisions of reg.15, although the regulation was specifically referred to in the impugned order. The petitioner's

statutory remedy was before the Ombudsman. There is no reason for the High Court to exercise power under art.226. The petitioner is free to approach the Ombudsman.

4. For these reasons, the petition is dismissed. No costs. Certified xerox.

(Jayanta Kumar Biswas, J