

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4974 of 2021

Indranil Bhattacharya
Vs.
CESC Limited & Ors.

Mr. Indranil Halder
... For the petitioner

Mr. Om Narayan Rai
... For CESC Limited

The supply of the petitioner has been disconnected by CESC Limited, the licensee, upon detecting unauthorised use of electricity. A provisional bill has been raised by CESC Limited on 4th February, 2021 on the petitioner for Rs.4,28,691/-. Before the final order of assessment can be passed, the petitioner has approached this Court for reconnection.

It appears that in view of the pendency of the writ petition, the final order has also not been passed by the Assessing Officer on the instance of the petitioner. The petitioner is seeking reconnection of the supply.

Subject to the petitioner paying a sum of Rs.2,28,691/- along with the reconnection charges and other cost and expenses as may be required for the purpose of reconnection, the meter which stands in the name of the petitioner at the premises in question shall be

reconnected by CESC Limited within 48 hours from the making of such payment.

It is made clear that none of the other meters installed in the premises in question apart from that in the name of the petitioner shall be reconnected in terms of this order.

Since final order has not yet been passed, I fix 5th March, 2021 at 12.30 p.m. to be the date and time for the Assessing Officer of CESC Limited to hold a hearing in respect of the provisional assessment order and the provisional assessment bill for the purpose of passing the final order. The Assessing Officer shall, as expeditiously as possible on completion of the hearing, pass the final order and serve a copy thereof on the petitioner within four working days from the date of passing of the same.

Since the petitioner and CESC Limited are represented by advocates, no further notice for the purpose of hearing fixed on 5th March, 2021 shall be given to the parties.

The petitioner shall be free to approach the Appellate Authority within 30 days from the date of receipt of the final order by preferring an appeal under the provisions of Section 127 of the Electricity Act, 2003 (hereinafter referred to as the "said Act").

The Appellate Authority while entertaining the appeal under the provisions of Section 127(2) of the said

Act shall take into account the payments that may be made by the petitioner in terms of this instant order.

In the event, the petitioner does not wish to prefer an appeal, the petitioner shall be liable to pay the balance sum after deducting Rs.2,28,691 from the final assessment bill immediately on expiry of 30 days from the date of the final order.

In the event, the petitioner approaches the Appellate Authority, the Appellate Authority shall, within three months from the date of being approached, shall dispose of the petitioner's appeal by giving reasonable opportunity of hearing to the parties and by passing a reasoned order. The said reasoned order shall be communicated by the Appellate Authority to the petitioner within seven days from the date of passing of the same.

The petitioner shall be bound to pay the balance sum after deducting a sum of Rs.2,28,691/- from the amount that may be fixed by the Appellate Authority to be payable by the petitioner.

The petitioner shall continue to pay the regular bills that may be raised by CESC Limited from time to time after reconnection, save and except the amount in respect of the provisional bill which will be paid in terms of the directions given hereinabove. In case of default by the petitioner in paying any of the amounts in terms of this order, it will be open to CESC Limited to take such steps as permissible in law.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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

(Arindam Mukherjee, J.)