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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10296 of 2020

Khitish Chandra Biswas
Vs.
CESC Limited & Ors.

Mr. Bidyut Halder,
Mr. Indranil Halder
... For the petitioner.

Mr. Om Narayan Rai
... For CESC Limited.

The petitioner seeks restoration of his disconnected supply through meter no.6368268 under customer ID 50000389616. CESC Limited has raised a final order of assessment dated 17th November, 2020 and have quantified the amount of unauthorized use of electricity to the tune of Rs.2,29,793/-. The final order of assessment relates to the supply of the petitioner as also that of petitioner's son Sisir Kanti Biswas. The consumer ID and meter no. of Sisir Kanti Biswas, as appears from the said final order, are respectively 50219029012 and 5992698.

On behalf of CESC Limited, it was submitted on a previous occasion that the two meters as aforesaid have been disconnected from the feeder box and, as such, restoration of the petitioner's line will amount to restoration of the line of Sisir Kanti

Biswas. The matter was adjourned in order to enable the advocate for the CESC Limited to take instruction as to whether supply of the petitioner can be restored keeping the line of Sisir Kanti Biswas disconnected. It is submitted on behalf of CESC Limited that the same is technically permissible.

In the facts and circumstances as aforesaid, subject to the petitioner paying 50% of Rs.2,29,793/- and Rs.421 on account of MCB and Rs.30 for reconnection charges, the petitioner's line shall be restored. The restoration shall take place within 48 hours from the petitioner's paying the entire money in terms of this order. It is made clear that the line of Sisir Kanti Biswas shall not be reinstated in terms of this order, as the said Sisir Kanti Biswas, has not approached this Court. However, it shall be open to Sisir Kanti Biswas to take such steps as may be advised, as permissible in law.

The petitioner is also permitted to prefer an appeal against the final order of assessment dated 17th November, 2020 within 2nd March, 2021 under the provisions of section 127(2) of the Electricity Act, 2003 (in short, the said Act) in as much as the writ petition was filed on 7th December, 2020 i.e. prior to expiry of 30 days from the date of passing of the final order. The Appellate Authority shall take into account

the amount paid by the petitioner for restoration of supply at the time of calculating the money under the provisions of section 127(2) of the said Act for the purpose of entertaining the appeal.

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

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

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

(Arindam Mukherjee, J.)