

14th February,
2022
(AK)
Supplementary List
01

WPA 2615 of 2022

(Via Video Conference)

Asit Kumar Maji alias Asit Kumar Mazi
Vs.
The Calcutta Electric Supply Corporation Limited and
others

Mr. Debnath Ganguly
Mr. Aranya Saha
Mr. Supriyo Dutta
Ms. Aishwarya Patihar
...for the petitioner.

Mr. Debjit Mukherjee
...for the CESC Limited.

Upon being mentioned in the morning, the matter is taken out of turn in the presence of both the contesting parties.

The present writ petition has been preferred against a bill sent to the petitioner, annexed at pages 32 and 33 of the writ petition, wherein outstanding dues were shown to be Rs.13,761.99/-.

Learned counsel for the petitioner, by placing reliance on the previous month's bill, argues that all previous bills were already cleared by the petitioner, as such giving no handle for the CESC Limited to claim further amounts as outstanding.

It is submitted that the petitioner's mother is suffering from a terminal illness and has to be on

constant medical support, for which uninterrupted connection of electricity to the premises is required.

In the event the threat of disconnection accompanying the bill is executed, it may turn out to be fatal for the petitioner's mother.

Learned counsel appearing for the CESC Limited submits that on several grounds, including that the mobile numbers of the petitioner and a defaulting consumer are the same, the petitioner has been held liable for payment of the default bill of the other consumer, whose electric supply, to a different flat at the same premises, has already been disconnected.

In view of the nature of the dispute, although no direct nexus is brought on record at this preliminary stage by the CESC, there are certain documents which are required to be placed on record to establish the contention of the CESC Limited.

It is beyond the limited scope of the present writ petition to decide on the merits and legality of the bill raised and the counter objection taken by the CESC.

Since law permits a challenge before the concerned Grievance Redressal Officer, it would be more appropriate if the petitioner ventilates his grievance before the said authority.

However, keeping in view the precarious condition of the petitioner's terminally-ill mother, a short respite ought to be given by the petitioner from disconnection.

Accordingly, WPA 2615 of 2022 is disposed of by granting the petitioner liberty to move the concerned Grievance Redressal Officer for resolution of the dispute regarding the disputed bill, as annexed to the present writ petition, by February 16, 2022.

If the matter is so referred by the petitioner, the Grievance Redressal Officer shall, without being prejudiced by any of the observations made herein, decide the dispute in accordance with law at the earliest, preferably within March 2, 2022.

The CESC Limited shall not disconnect the electric supply of the petitioner till disposal of the grievance by the Grievance Redressal Officer.

However, such restraint order is being passed only on an *ad hoc* basis without going into the merit of the contentions of the parties and it will be open to the Grievance Redressal Officer to decide the same on its own merits.

Print out of an e-mail, which is filed in court today by the CESC Limited as written instruction, be kept on record.

The parties as well as all concerned shall act on the written communication of the learned Advocate for the petitioner, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)