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27.06.2022.
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 11558 of 2022

Mohammad Rizwan
-vs.-
The CESC Limited & Ors.

Mr. Proloy Bhattacharjee
...for the petitioner

Dr. Madhusudan Saha Roy
...for the CESC Limited

Learned counsel appearing for the petitioner submits that the petitioner is living without electricity, which was disconnected by the Distribution Licensee and a final assessment bill was raised.

Learned counsel appearing for the CESC Limited submits that the final assessment order was arrived at, upon giving adequate opportunity of hearing to the petitioner, as long back as on August 21, 2019 and the limitation period for preferring an appeal against the said order has expired in the meantime.

Since Section 126 of the Electricity Act, 2003 specifically stipulates that for the purpose of getting restoration of connection the consumer has to deposit the entire amount of dues and the pre-requisite for preferring an appeal under Section 127 of the said Act is deposit of fifty per cent of the dues, in the absence of any such

deposit being made, the prayer of the petitioner, as made in the writ petition, cannot be granted.

Accordingly, W.P.A. No. 11558 of 2022 is dismissed without, however, any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)