

15
30.06.2022
TN

WPA No. 11735 of 2022

Mr. Debasish Ray
Vs.
The Calcutta Electric Supply Corporation
Limited and others

Mr. Suvadip Bhattacharjee
.... for the petitioner

Mr. Debanjan Mukherji
....for the CESC Limited

Affidavit-of-service filed in court today be kept
on record.

Learned counsel for the petitioner submits that
the petitioner is not in a position to deposit the entire
amount assessed provisionally, but is willing to
deposit a major portion of the claim of the Calcutta
Electric Supply Corporation Limited (for short “the
CESC Limited”) for the purpose of getting restoration
of electricity connection, which is a basic necessity.

Such contention is controverted by learned
counsel for the CESC Limited, who places reliance on
the provisions of Sections 126 and 135 of the
Electricity Act, 2003, as well as two judgments of this
court, to substantiate the proposition that unless the

entire amount of claim is deposited, restoration of electricity connection cannot be given under the law. At best, deposit of fifty per cent of the claim entitles the consumer to prefer an appeal against a final order of assessment.

The said judgments are: an unreported judgment dated December 09, 2021 passed by a learned Single Judge in W.P.A. No.18448 of 2021 and an unreported Division Bench judgment dated May 05, 2022 passed in FMA 197 of 2022.

Upon considering the submissions of the parties and the cited judgments as well as the relevant law, it is clear that the law contemplates a deposit of the full amount of claim in the event a restoration of electricity connection is to be obtained by the consumer, against whom a charge of theft is levelled.

As such, despite having full sympathy for the petitioner, there is no scope of interfering in the writ petition.

Accordingly, WPA No.11735 of 2022 is dismissed without any order as to costs.

However, nothing in this order shall preclude the petitioner either from depositing the entire amount of the claim, whenever convenient to the petitioner, in order to get back restoration of electricity supply, alternatively, to prefer a challenge to the assessment

made by the CESC authorities before the appropriate forum.

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

(Sabyasachi Bhattacharyya, J.)