

21
30.06.2022.
mb

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 12388 of 2022

Smt. Sathi Das

-vs.-

The Calcutta Electric Supply
Corporation Limited & Ors.

Mr. Ranjan Kali

...for the petitioner

Dr. Madhusudan Saha Roy

...for the CESC Limited

Learned counsel appearing for the petitioner vociferously submits that the petitioner's electricity supply could not have been disconnected on the allegation that there are dues in respect of another electricity connection at the same premises, which stood in the name of the husband of the petitioner and has since been disconnected due to non-payment of dues by the husband.

Learned counsel appearing for the petitioner places reliance on an order dated July 20, 2021, passed by a coordinate Bench of this Court in W.P.A. No. 11116 of 2021, whereby the electricity connection of the petitioner, which had been disconnected at that point of time as well, was directed to be restored upon payment of Rs.1388/- by the petitioner with other reconnection charges.

It is submitted that, in compliance of such order, the petitioner deposited the said amount and restoration of electricity was given by the CESC Limited. Subsequently, however, a notice was given by the CESC Limited on June 16, 2022. Learned counsel appearing for the CESC Limited submits that the petitioner's connection is being used by the petitioner's husband, whose own electricity connection had been severed on the ground of non-payment of due charges and, as such, there is evident nexus between the petitioner and her husband on such score. As such, pursuant to the extant regulations, the CESC Limited is entitled to disconnect the petitioner's supply unless the petitioner pays the entire defaulted amount of her husband for the other meter, since disconnected, standing at the same premises.

A perusal of the impugned notice dated June 16, 2022 reveals that, in the said notice, the CESC Limited reminded the petitioner of a previous letter dated April 16, 2022, whereby the petitioner had been intimated the detailed reasons as to why a sum of Rs.2,00,753/- was lying recoverable from the petitioner for consumption of electricity unauthorisedly through the supply under Consumer No. 54065051006, but till date the petitioner had not liquidated the dues. It was further stated in the said notice that the petitioner was requested to pay the said sum within fifteen days, failing which the CESC

Limited would reluctantly be compelled to disconnect the electricity supply of the petitioner to her meter.

It is clear from the order of the coordinate Bench dated July 20, 2021 that the petitioner's line was previously directed to be restored only upon payment of admitted dues at that point of time by the petitioner. However, in the said order, the learned Single Judge recorded that the independent electricity connection to the petitioner and her husband may not have been given in accordance with the relevant Rules of the CESC or the Electricity Act, 2003. Learned Single Judge also directed that suitable step be taken by the Licensee (CESC Limited) in that regard in accordance with law.

The CESC Limited, subsequently, in compliance with the said order, demanded the due amount of the husband from the petitioner-wife, since there was patent nexus between the two meters, being the petitioner's meter and the defaulting meter of her husband, which are situated in the same premises, with the petitioner and her husband sharing the electricity usage from the same meter.

Hence, no cause of action has been made out by the petitioner for the premature challenge to the demand notice.

That apart, the CESC Limited acted well within its authority, as conferred by the WBERC Regulations, to demand the dues of the petitioner's husband for a meter

situated in the same premises. In view of the nexus between the two, the husband of the petitioner is obviously using the electricity from the petitioner's meter. Since the petitioner is residing with her husband at the same premises and it is nobody's case that their mutual relation is strained, the petitioner has no scope of denying the nexus with her husband.

In such view of the matter, there is no scope of interference with the impugned notice dated June 16, 2022.

Hence, W.P.A. No. 12388 of 2022 is dismissed.

The CESC Limited is given liberty to take steps in accordance with law and pursuant to the notice impugned in the writ petition expeditiously.

There will be no 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.)