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30.06.2022.
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 12598 of 2022

Lakshminarayan Pal Chowdhury

-vs.-

Calcutta Electric Supply
Corporation & Ors.

Mr. Sumit Ray,
Mr. Sailen Naskar

...for the petitioner

Dr. Madhusudan Saha Roy

...for the CESC Limited

Learned counsel appearing for the petitioner contends that, prior to adjudication of a request of the petitioner asking the CESC Limited to decide the dues payable by the petitioner within the contemplation of Clause 3.5.1 of the Supply Code, 2013, framed by the West Bengal Electricity Regulatory Commission, the CESC Limited has issued a notice of disconnection to the petitioner. It is submitted that in the event such calculation is completed by the Grievance Redressal Officer, the petitioner would have an opportunity, if dissatisfied, to challenge the same or otherwise to comply therewith. Before such decision, it is submitted, the disconnection notice was premature and not maintainable in law.

Learned counsel appearing for the CESC Limited, in his usual fairness, submits that no disconnection can be or will be effected by the CESC Limited prior to completion of the calculation by the Grievance Redressal Officer on the basis of hearing given to the petitioner in terms of the petitioner's request dated April 18, 2022 in respect of the dues calculated under Clause 3.5.1 of the 2013 Supply Code. It is further submitted that the hearing has already been concluded and the order shall be passed thereon expeditiously.

Accordingly, W.P.A. No. 12598 of 2022 is disposed of by directing the respondent no. 2, that is, the Grievance Redressal Officer, North Regional Office, CESC Limited, to decide the amount payable by the petitioner under Clause 3.5.1 of the 2013 Supply Code on the basis of the hearing already given to the petitioner, as expeditiously as possible, preferably within a week from date and intimate the outcome of the dispute to the petitioner immediately thereafter.

It will be open to the petitioner either to accede to the quantum assessed by the Grievance Redressal Officer and/or to challenge the same before the appropriate authority in accordance with law.

The CESC Limited, as indicated above, shall not disconnect the petitioner's electricity supply prior to a decision having been arrived on the dispute under Clause 3.5.1 of the 2013 Supply Code raised by the petitioner.

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.)