

AD. 22.
January, 2022.
MNS.

(Through Video Conference)

WPA No. 15364 of 2021

Rabindra Nath Saha
Vs.
CESC Limited and others

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder

...for the petitioner.

Mr. Om Narayan Rai,
Mr. Subrata Santra

...for the CESC Limited.

A copy of the letter allegedly sent by the CESC Limited to the petitioner on August 31, 2021, the service of which is disputed by learned counsel for the petitioner, be kept on record.

It is indicated in the said letter that the petitioner is required to pay recoverable dues of Rs.29,72,098/- for getting a new electric connection at his premises, in view of the alleged nexus of the petitioner with the defaulter in respect of the previous meter existing in the same premises, in accordance with Regulation 13.9 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010 (Notification No.46/WBERC).

However, learned counsel for the petitioner controverts that the dues were in respect of different premises from the one for which the petitioner is now seeking electric connection.

Be that as it may, since a nexus has been alleged by the purported letter dated August 31, 2021, a copy of which has already been served on the learned Advocate appearing for the petitioner, it would serve the ends of justice in the event the petitioner is granted an opportunity to challenge such allegation as raised in the letter purportedly dated August 31, 2021.

Accordingly, WPA No. 15364 of 2021 is disposed of by directing the CESC Limited to give an opportunity to the petitioner to controvert the letter dated August 31, 2021, which is kept on record, upon notice to the petitioner within one week from date, at a given time and place as indicated by the CESC Limited.

Upon such opportunity and sufficient scope of presenting of all relevant documents being given to the petitioner, the appropriate Officer of the CESC Limited shall take a final decision on the said dues for the purpose of giving the new connection to the petitioner.

In the event the petitioner is aggrieved by the decision, which is subsequently taken by the CESC Limited on such documents, it will be open to the

petitioner to file a further writ petition challenging such decision under Article 226 of the Constitution of India.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)