

5th September,
2022
(AK)
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W.P.A 15311 of 2022

Rajesh Agarwal and others
Vs.
Calcutta Electric Supply Corporation Limited and others

Mr. Arkadipta Sengupta
...for the petitioners.

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

Learned counsel for the petitioners submits that the petitioners are agreeable to deposit the balance fifty per cent, after deducting the fifty per cent deposited by the petitioners on account of security for bail, for the purpose of getting back the electricity connection, which was disconnected on the ground of alleged theft.

Learned counsel for the petitioners submits that in view of the huge amount assessed, the petitioners be granted some instalments for clearing off the said dues.

However, since Section 126 of the Electricity Act, 2003 does not give the leeway to grant such a relief, in view of the law having specifically mandated the deposit of the entire amount of assessed dues for the purpose of getting back electricity connection, the said relief cannot be granted by the writ court *de hors* the law.

Accordingly, WPA 15311 of 2022 is disposed of by granting leave to the petitioners to deposit the entire amount due in terms of the assessment for getting back

electricity connection and/or to challenge the same upon deposit of the statutory amount as contemplated under Section 127 of the 2003 act, subject to limitation.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)