

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 19796 of 2021

Siddheswar Sarkar
Vs.
CESC Limited & Ors.

Mr. Siddheswar Sarkar
... petitioner in person

Mr. Om Narayan Rai,
Mr. Debanjan Mukherjee
... for the CESC Limited

Affidavit-in-reply filed in Court today be kept on record.

The petitioner, who is appearing in person, contends that the electricity connection of the petitioner was severed unlawfully by the Distribution Licensee. It is submitted that the petitioner was served with final orders of assessment with regard to two separate meters, which had been merged in the meantime, after expiry of thirty days after those being passed.

Initially the petitioner had challenged the first disconnection before the Consumer Forum. However, ultimately, in the year 2015, the said challenge was

turned down on the ground of lack of jurisdiction of the Consumer Forum.

Learned counsel appearing for the CESC Limited submits, by placing reliance on the annexures to the writ petition itself, that two provisional and, subsequently, final orders of assessment were raised by the CESC Limited on the ground of pilferage in respect of two different meters, which were being enjoyed by the petitioner's father and, subsequently, the petitioner after the demise of his father.

It is submitted that after the initial disconnection, the CESC Limited discovered that the second electric meter standing at the premises was also being used to cater to the points which were previously used from the first (since disconnected) meter. Hence, on the ground of unauthorized use of electricity, the second meter was also disconnected.

It appears from the annexures to the pleadings that even the final order of assessment for the second meter was raised as long back as in the year 2020. The challenge in connection with the first disconnection before the Consumer Forum had already been turned down on the ground of jurisdiction in the year 2015.

However, the petitioner, without preferring a challenge before the appellate authority against the final orders of assessment within the contemplation of Section 127 of the Electricity Act, 2003, has preferred

the present writ petition seeking restoration of connection.

It is evident from the records that the petitioner's application was time-barred *ab initio*, since the writ petition itself was filed about six years after the Consumer Forum dismissal on the ground of jurisdiction and even after more than one year subsequent to the second final order of assessment and disconnection having taken place.

In such view of the matter, giving benefit of doubt to the petitioner, who is appearing in person, to the effect that the petitioner might not be having, at the relevant period, the knowledge of limitation period for preferring a challenge under Section 127 of the Electricity Act, 2003, W.P.A. No. 19796 of 2021 is disposed of with liberty to the petitioner to approach the appellate authority challenging the final order of assessment raised with regard to the second electric meter, initially standing in the name of the petitioner's father.

If so challenged, the appellate authority shall consider the same in accordance with law, subject to the petitioner complying with all legal formalities, upon giving adequate opportunity of hearing to all concerned, as expeditiously as possible.

It is made clear that this Court has not gone into the merits of the respective contentions of the parties

sufficient to influence the adjudication before the appellate Tribunal, as indicated above, in any manner.

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.)