

AD-14
Ct No.09
19.01.2023
TN

WPA No. 825 of 2023

Syed Arif Ali
Vs.
The State of West Bengal and others

Mr. Md. Shahjahan Hossain,
Ms. Sanjida Sultana

.... for the petitioner

Dr. Madhusudan Saha Roy

.... for the CESC Limited

Learned counsel for the petitioner submits that his client is without electricity. It is further submitted that the Calcutta Electric Supply Corporation (CESC) is unjustly withholding electricity to the petitioner by disconnecting the petitioner's line, for which the petitioner and his family are suffering.

Learned counsel submits, on instructions, that the petitioner is willing to pay the outstanding dues alleged by way of easy instalments without prejudice to his rights for the purpose of restoration of connection. In any event, the petitioner submits that a challenge against the billed amount has been preferred and is pending before the concerned Grievance Redressal Officer (GRO) at the behest of the petitioner.

Learned counsel appearing for the CESC controverts such contentions and prays for a dismissal of the writ petition with heavy costs. It is submitted that the electricity connection standing in the name of the petitioner's father at the same premises was disconnected on November 01, 2010 for alleged non-payment of due electricity charges to the tune of Rs.93,027/-.

Thereafter, it is alleged, the petitioner resorted to unauthorized extension of the electricity meter of the petitioner for the use of his father, upon which the CESC sought to disconnect the petitioner's supply. However, due to stiff local resistance, the said disconnection could not be materialized.

It is further alleged on behalf of the CESC that the petitioner is a habitual defaulter and has often resorted to pilferage, since a different theatre situated at a different area, with the petitioner is connected, also suffered a disconnection due to non-payment of dues on account of allegation of pilferage.

Thus, it is contended that the petitioner is not entitled to any equity in his favour.

In the present case, the petitioner contends that the present outstanding dues standing in the name of the petitioner in respect of his meter, which has been challenged before the GRO, cannot be mixed up with

the previous alleged outstanding dues of other consumers. Inasmuch as the theatre is concerned, the same is not only situated in an entirely different part of the city, the petitioner has no nexus with the same as the theatre was being run by the petitioner's uncle.

It is further denied by the petitioner that the petitioner was ever connected with any pilferage at the premises-in-question.

Be that as it may, since an exorbitant amount has allegedly been raised by way of bill by the CESC, even irrespective of any nexus to the present outstanding dues of the petitioner with the previous alleged outstanding dues, the petitioner has already preferred a challenge before the appropriate authority in law, which is at present pending. As such, a direction for reconnection of electricity at the present stage would be rather premature.

Accordingly, WPA No. 825 of 2023 is disposed of by directing the concerned Grievance Redressal Officer, before whom the petitioner's complaint is pending with regard to the outstanding dues, which is the subject-matter of the present writ petition, to dispose of the said dispute as expeditiously as possible in accordance with law, upon giving prior hearing to the petitioner as well as the CESC and all

others concerned, preferably within three weeks from date.

Upon such decision being arrived at by the GRO, the same shall be communicated to the petitioner as expeditiously as possible thereafter. It is made clear that the merits of the allegations made in the present writ petition by both the parties have not been gone into by this court and it will be open to the parties to agitate all their grievances and contentions before the appropriate forum.

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.)