

14<sup>th</sup> March,  
2023  
(AK)  
17

**W.P.A 4981 of 2023**

Bhaskar Naskar  
Vs.  
The Calcutta Electric Supply Corporation Limited and  
others

Mr. Kingsuk Mandal  
Mr. Pradip Kumar Kundu  
...for the petitioner.

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

Affidavit-of-service filed in court today be kept on  
record.

Learned counsel for the petitioner contends that the  
petitioner has not disputed the final order of assessment  
passed by the CESC Limited.

However, since the petitioner has already deposited  
fifty percent of the assessed amount as condition of grant  
of bail in connection with a criminal proceeding under  
Section 135 of the Electricity Act, 2003, the electricity of  
the petitioner be restored.

Learned counsel appearing for the CESC Limited  
submits that there were two instances of alleged pilferage  
against the petitioner.

On August 10, 2022, the first disconnection was  
effected on the ground of pilferage and a provisional  
assessment was made.

Subsequently, it is alleged, on August 19, 2022 in a hearing, the petitioner admitted the allegation of pilferage. On August 26, 2022, a final order of assessment was made.

Again, on a subsequent count of pilferage, a disconnection was effected on October 6, 2012 and a provisional assessment was made, which was finally affirmed by way of a final order of assessment on October 14, 2022.

It is, thus, submitted that the petitioner is required to deposit the total due amount, that is, the fifty percent on the first count of pilferage and the entire amount on the second count of pilferage, for reconnection to be given to the two meters-in-question.

On instruction, learned counsel for the petitioner submits that such reconnection be directed upon payment of the entire alleged amount without prejudice to the rights of the petitioner in the pending proceedings against the petitioner under Section 135 of the Electricity Act, 2003.

Since such stand of the petitioner is justified and fair enough, WPA 4981 of 2023 is disposed of by directing the petitioner to deposit the entire balance amount as per the two final orders of assessment, deducting the amount already deposited by the petitioner, along with the necessary reconnection charges, with the CESC Limited.

Upon such amount being deposited in its entirety, the CESC Limited shall restore the electricity supply of the petitioner with regard to both the concerned consumer numbers within a week thereafter.

It is, however, made clear that such deposit shall be without prejudice to the rights and contentions of the petitioner in the pending criminal proceedings under Section 135 of the Electricity Act, 2003 and shall not, *per se*, be deemed to be an admission of the allegation of theft for the purpose of the said criminal proceedings.

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.)**