

AD-16
Ct No.09
20.03.2023
TN

WPA No. 5672 of 2023

Lakhi Narayan Jaiswal @ Shaw
Vs.
Calcutta Electric Supply Corporation and others

Mr. Upendra Roy,
Mr. Kanchan Roy

.... for the petitioner

Mr. Somnath Bose

.... for the CESC Limited

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. Rundranil Das

.... for the respondent nos.4 and 5

Learned counsel for the petitioner contends that the private respondents are committing pilferage of electricity from the petitioner's electricity connection. As such, the petitioner allegedly approached the local police station, who took no steps in that regard. It is further submitted that it is the incumbent duty of the Calcutta Electric Supply Corporation Limited (CESC Limited) under the provision of Section 135 of the Electricity Act, 2003 (hereinafter referred to as "the 2003 Ac"), read in conjunction with Section 126 of the same, to take necessary action in that regard.

Learned counsel appearing for the private respondents vehemently opposes such contention and

argues that the private respondents are enjoying separate electricity connection at their own premises and there did not arise any occasion whatsoever, in any event, of committing any pilferage from the petitioner's connection. Be that as it may, the allegations are squarely denied by the private respondents.

Learned counsel appearing for the CESC Limited submits that, interestingly, when the CESC personnel went to inspect the premises on the basis of the allegations levelled in the writ petition, they were resisted by the petitioner from holding such inspection for some unknown reasons.

Of course, learned counsel for the petitioner controverts such allegations made by the CESC Limited and submits the he is not aware of any such obstruction having been raised.

Be that as it may, there is no scope of interference at the present juncture since it is the prerogative of the Distribution Licensee to take steps under Section 135, read with Section 126 of the 2003, of the Act in the event they detect any occasion of pilferage or theft of electricity.

Having not done so, it is expected that the CESC Limited shall hold proper inspection in order to

ascertain whether such pilferage is actually occurring at the premises.

However, it is equally expected that the petitioner shall cooperate fully with such attempt by the CESC Limited to hold such inspection, otherwise there is no point in the petitioner raising the question as in the present writ petition.

In the above circumstances, WPA No. 5672 of 2023 is dismissed without any order as to costs.

The petitioner, however, shall be at liberty to approach the CESC Limited with a fresh representation indicating detailed reasons for apprehension of pilferage from the petitioner's electricity connection. If such an approach is made, the CESC Limited shall act in accordance with law and in due process of law and do the needful as provided under the Electricity Act, 2003.

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.)