

16th March,
2023
(AK)
26

W.P.A 5783 of 2023

Md. Aslam Khan
Vs.
The Chairman, CESC Limited and another

Mr. Nasim Ahmed
...for the petitioners.

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

Learned counsel for the petitioner contends that the petitioner is of meagre financial means and is a driver by profession.

An allegation of pilferage was levelled against the petitioner, upon which the petitioner was granted anticipatory bail on payment of fifty percent of the assessed dues.

However, the petitioner is not in a position to pay up the entire balance of the assessed dues at one go. Accordingly, some installments are prayed for.

Although such installments cannot be a matter of right for the consumer, nor can the court direct the same within the precincts of law, upon query and on instruction, learned counsel for the CESC Limited submits that the CESC Limited, keeping in view the financial condition of the petitioner and as a special case, without creating any precedence, is agreeable to give two

equal monthly installments to the petitioner for the purpose of restoration of electricity connection.

Accordingly, WPA 5783 of 2023 is disposed of by directing the petitioner to pay the balance amount of assessment made by the CESC Limited to the CESC Limited in two equal monthly installments.

The first of such installments shall be paid by 31st of this month. The next installment shall be paid by 30th April, 2023.

Upon the first installment along with reconnection charges being deposited, the electricity connection of the petitioner shall be restored by the CESC Limited.

However, it is made clear that the petitioner shall also go on paying the current electricity charges to the CESC Limited and in the event of any default on the part of the petitioner in paying the current charges and or instalments as directed above, the CESC Limited will be at liberty to disconnect the electricity supply of the petitioner again for non-payment of such arrear installment without any further notice to court.

Such payment and restoration of electricity connection shall not prejudice the rights and contentions of either of the parties before any forum.

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.)