

D/L. 12.
May 15, 2023.
MNS.

WPA No. 10899 of 2023

Mahamaya Ghosh
Vs.
The Manager, CESC Private Limited
and others

Mr. Dhananjay Banerjee,
Mr. Sourav Mukherjee,
Ms. Oindrila Ghosh,
Mr. Arka Chakraborty

... for the petitioner.

Dr. Madhusudan Saha Roy

...for the Distribution Licensee.

The petitioner/landlady has filed the present writ petition asking for restoration of electricity connection to the petitioner's electricity meter at the premises.

It is alleged that the petitioner was not involved in the alleged action of pilferage of electricity, for which charges have been levelled against the private respondent/tenant. As such, the petitioner ought to be relieved from the disconnection and the connection to the petitioner's meter be restored immediately.

Learned counsel for the CESC Limited submits that a final order of assessment has been made in the meantime, where the petitioner has

been castigated on an equal footing as the private respondent for the alleged unauthorised use of electricity.

A previous writ petition filed by the private respondent/tenant with regard to the same allegation, bearing WPA No. 7626 of 2023, met with a dismissal vide order dated April 10, 2023, whereby liberty was given to the petitioner therein to clear off the entire outstanding dues in lieu of the assessment made finally.

It is rightly pointed out by learned counsel for the CESC Limited that the present application is designed to bypass the liability of the petitioner regarding payment of the finally assessed amount, which has not even been challenged by the petitioner under Section 127 of the Electricity Act, 2003 (in short “2003 Act”). On such score, the petitioner stands on equal footing as the private respondent, who lost his writ petition on April 10, 2023 on similar ground.

As such, there is no mitigating circumstance to permit the petitioner’s supply to be restored, since she stands on an equal footing with the private respondent as far as the allegation of unauthorised use of electricity is concerned.

Hence, WPA No. 10899 of 2023 is dismissed without any order as to costs.

However, nothing in this order shall prevent the petitioner from clearing the entire outstanding dues and making the requisite payment for the purpose of getting back the electricity connection of the petitioner.

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.)