

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13893 of 2023

Asfaruddin Plastic Scrap
Processing Company & Ors.
Vs.
The CESC Limited & Ors.

Mr. Sanjib Seth
...for the petitioners

Mr. Debanjan Mukherjee
...for the CESC Limited

The petitioners have invoked the writ jurisdiction of this Court on the premise that the petitioners have failed on two occasions to avail the instalments granted by the CESC Limited for the purpose of the petitioners paying up the dues on account of unauthorized use of electricity. When the petitioners failed on the first occasion, the matter was relegated to the Lok Adalat and, thereafter, on the petitioners' assurance of more payments, the connection was kept alive. However, the petitioners agreed that in the event there was further default, the connection would be disconnected.

Subsequently, there was a further default on the part of the petitioners, on which the CESC Limited has disconnected the supply of the petitioners.

It is submitted that the petitioners are in indigent position and be given another opportunity to pay off

their dues. However, since the CESC limited has already given two such opportunities to the petitioners, the court does not have the authority to direct the CESC Limited to grant another opportunity to the petitioners, who are obviously habitual defaulters.

Hence, no relief can be granted within the scope of the present writ petition.

Accordingly, W.P.A. No. 13893 of 2023 is dismissed without, however, any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)