

1st August,
2023
(AK)
12

W.P.A 17586 of 2023

Farah Naaz
Vs.
The Calcutta Electric Supply Corporation and others

Mr. Murari Chakraborty
...for the petitioner.

Mr. Debanjan Mukherjee
...for the CESC Limited.

Mr. Tarique Quasimuddin
Ms. Sanchita Chaudhuri
Mr. Abbas Ibrahim Khan
...for the respondent nos. 4 & 5.

The petitioner contends that the petitioner's father, that is, the private respondent no.5, had the petitioner's electricity connection disconnected through the CESC personnel.

It is submitted that the petitioner, for some unknown reason, is being refused a reconnection of the electricity connection by the CESC Limited, prompting the petitioner to prefer the instant writ petition.

Learned counsel appearing for the private respondent no.5 submits that the private respondent no.5 is the father of the petitioner and accommodated the petitioner and her husband in his own premises at 130, Colin Street.

Subsequently, due to the conduct of the petitioner and her family, the respondent no.5 was constrained to initiate an eviction suit against the petitioner and her husband.

During pendency of the suit, a complaint was lodged by the petitioner with the Officer-in-Charge of the New Market Police Station, as well as to the General Manager Commercial of the Central Regional Office, CESC Limited, wherein it was indicated that on February 10, 2022 in presence of the petitioner and her husband, the CESC men came at about 10/11 a.m. to disconnect the electric meter standing in the petitioner's name.

On objection being raised by the petitioner and her husband, it has been alleged, the CESC men showed the petitioner and her husband a letter bearing the petitioner's signature.

It has also been alleged that the petitioner was stunned and vehemently stated that the signature appearing and written as Farah Naaz was not of the petitioner.

The petitioner has further alleged in her complaint, it is pointed out by the respondent no.5, that her brother Aftab Alam, father Mansoor Alam, that is, the respondent no.5 and step mother Anjuman Alam stood there with the CESC men and said the Aftab Alam told the petitioner

that he had “subscribed” the signature of the petitioner in the letter.

Learned counsel for the respondent no.5 submits that all the said allegations comprise of afterthought and are merely intended as a backlash to the eviction suit filed by the respondent no.5.

That apart, it is argued that the petitioner’s own electricity connection was disconnected long back due to non-payment of electricity charges.

Learned counsel for the CESC Limited submits that the petitioner has incorrectly alleged that on March 20, 2023 the electricity connection of the petitioner was disconnected by the CESC Limited, although actually the said connection was severed as long back as on January 1, 2021.

It is submitted that the petitioner left huge arrears of electricity charges, for which the disconnection was effected.

As per the prevalent Regulations, after the expiry of 180 days from such disconnection, the contract between the petitioner and the CESC Limited stood automatically expired.

If the petitioner is to apply for a fresh electricity connection, the petitioner is required to clear all dues as well as pay other statutory charges.

On a comprehensive perusal of the materials-on-record as well as upon hearing learned counsel for the parties, it transpires that the petitioner's own electricity connection was disconnected as long back as on January 1, 2021 for non-payment of electricity charges.

Thereafter the petitioner, instead of repaying the dues and other statutory charges for restoration of such connection, has come up with the present writ petition, by making baseless charges against the private respondent, seeking a restoration of the said disconnected electricity supply.

In the teeth of the prior disconnection for non-payment, the petitioner is guilty of suppression of material facts.

The very basis of the writ petition is *mala fides* on the part of the petitioner, who has made certain baseless allegations against her father as well as against the CESC authorities, in spite of having not paid the due charges of electricity to the CESC, for which her electricity supply was disconnected long back.

For such suppression of material facts and even on merits, the petitioner is not entitled to any relief in the present writ petition.

Accordingly, WPA 17586 of 2023 is dismissed on contest.

The petitioner shall pay costs of Rs.5,000/- each to the CESC Limited as well as the respondent no.5 as a token censure for the suppression of material facts to court as well as for the frivolous allegations made against the said respondents.

Such costs shall be paid to the concerned respondents as per above direction within a week from date.

Liberty to mention the matter even after disposal, in the event the costs are not being paid by the petitioner.

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.)