

4th September,
2023
(AK)
11 & 13

W.P.A 18979 of 2023

Rabia Khan
Vs.
CESC Limited and another

With

W.P.A 18984 of 2023

Abdul Manan and another
Vs.
CESC Limited and another

Mr. Bidyut Kr. Halder
Mr. Indranil Halder
Ms. Neha Singh

...for the petitioner.

Mr. Suman Ghosh

...for the CESC Limited.

In Re: WPA 18984 of 2023

1. The present writ petitions, having arisen from disconnections of electricity supplies regarding the same property, are being taken up together for hearing.
2. In WPA 18984 of 2023, the petitioners are agreeable to deposit the entire amount assessed by the CESC Limited along with restoration charges.
3. Accordingly, WPA 18984 of 2023 is disposed of by granting liberty to the petitioners to pay the entire assessed amounts raised by the CESC Limited in respect of their connections, along with restoration charges and

any other legitimate dues which the CESC Limited is entitled to claim in law.

4. Upon such payment being made, the CESC Limited shall restore the electricity supplies to the said petitioners within 48 hours thereafter.

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.

In Re: WPA 18979 of 2023

5. Insofar as WPA 18979 of 2023 is concerned, the petitioner submits that the petitioner is agreeable to pay 10% of the balance amount, which remains after deducting the 50% of the assessed dues deposited by the petitioner for obtaining anticipatory bail on the allegation of pilferage of electricity.

6. It is submitted that in any event, the matter is required to be placed before the oncoming Lok Adalat for resolution and the petitioner seeks an immediate restoration of electricity connection upon payment of such additional 10% for the time being.

7. Learned counsel for the CESC Limited places reliance on Sections 126 and 127 of the Electricity Act, 2003 and submits that, within the contemplation of law,

the entire assessed amount has to be deposited for getting back electricity connection.

8. In any event, the statutory period of thirty days has also elapsed, thereby preventing the CESC Limited from restoring the electricity line to the petitioner.

9. Since the law contemplates deposit of the entire assessed amount for restoration of electricity, it is beyond the domain of the writ court to compel the CESC Limited to restore the electricity supply at a lesser deposit.

10. However, since the petitioner seeks a reference to the Lok Adalat, for the ends of justice, the matter be placed before the Lok Adalat for amicable resolution between the parties. If no resolution is reached, let the file be placed back before the concerned Bench then having determination.

(Sabyasachi Bhattacharyya, J.)