

D/L. 5.
November 16, 2023.
MNS.

WPA No. 22772 of 2023

Irshad Ahmed
Vs.
CESC Limited and others

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder

... for the petitioner.

Mr. Suman Ghosh

...for the CESC Limited.

1. Learned counsel for the petitioner contends that the private respondent has been committing pilferage of electricity.
2. On the last occasion, an inspection was directed to be undertaken by the CESC Limited, pursuant to which a report is filed today.
3. Learned counsel for the CESC Limited, by placing reliance on the said report, submits that there is no instance of any pilferage or hooking by the private respondent.
4. Learned counsel for the petitioner denies the contents of the report.
5. However, the right of the petitioner is at best to lodge a complaint. The court cannot permit any further enquiry within the scope of a writ

petition, since the licensee itself, upon holding an inspection, is of the opinion that there is no instance of pilferage or hooking.

6. Without going into the merits of such report, since the licensee is of such an opinion, the petitioner cannot have any further cause of action in the writ petition.
7. However, in the event the petitioner is still of the opinion that there is a continuing pilferage, it will be open to the petitioner to lodge a complaint before the appropriate law enforcement authorities.
8. If such complaint is lodged, such authority shall take necessary steps in accordance with law.
9. WPA No. 22772 of 2023 is accordingly dismissed by keeping the inspection report filed by the CESC Limited today on record.
10. There will be no order as to costs.
11. 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.)