

D/L. 17.
January 9, 2023.
MNS.

WPA No. 28448 of 2022

Jyoti Sharma
Vs.
Calcutta Electricity Supply Corporation
And another

Mr. Falguni Bandyopadhyay,
Mr. S. Ghosh,
Ms. Riya Ballav

... for the petitioner.

Dr. Madhusudan Saha Roy

...for the CESC Limited.

Learned counsel for the petitioner files a supplementary affidavit with leave of court, where a communication dated November 29, 2022 from the end of the CESC Limited to the petitioner is annexed.

It transpires from the said communication that there is an unsettled amount (outstanding dues) with regard to a consumer in respect of the same premises of the petitioner.

It is contended that the said outstanding dues are allegedly raised by the CESC Limited in the name of a minor son of the petitioner, in whose name no electricity connection can stand.

Moreover, the petitioner, it is submitted, has a strained relation with her husband, who is a

psychiatric patient. It is also contend that the petitioner has not had any electricity connection at the premises-in-question at any point of time.

Learned counsel for the CESC Limited submits, on instruction, that there was an electricity supply at the premises-in-question and there is nothing on record to establish that there is a strained relation between the petitioner and her husband.

Rather, there was an allegation of outstanding dues in the name of the electricity meter standing at the premises which connection, if fraudulently obtained by an online application in the name of a minor, was so obtained from the end of the petitioners themselves.

It is further contended that the present writ petition has been filed by the petitioner to avoid payment of the outstanding dues assessed by the CESC Limited for the pilferage occasioned with regard to the previous meter, which has since been disconnected.

Upon hearing learned counsel for the parties, it transpires that a final order of assessment has already been passed by the CESC Limited as long back as on May 25, 2022.

The said order, however, has not been challenged as yet by the petitioner or her husband.

It has been contended by the CESC Limited that the final order of assessment was made upon giving an opportunity of hearing to the petitioner's husband.

Since the petitioner's husband and the petitioner are residing in the same premises and obviously the petitioner has already been a beneficiary of the electricity connection previously standing at the said premises, the nexus between the petitioner and the default (or defaulting meter) cannot be disputed.

In such view of the matter, there is no scope of interference with the alleged dues of the CESC Limited, which was the premise to issue a final order of assessment and to disconnect the electricity supply to the premises.

In the absence of any valid challenge to the same before the appellate authority, there is no scope of directing the CESC Limited to give a further electricity connection in the name of the petitioner at the same premises, who is a part of the same family and residing at the same premises with her husband, in respect of which

there is already an outstanding due with regard to the previously disconnected meter.

Hence, there is no scope of interference in the present writ petition, that is, WPA No. 28448 of 2022 and the same is, thus, dismissed on contest.

Liberty is given to the petitioner to challenge the final order of assessment in accordance with law and subject to the law of limitation.

There will be no order as to costs.

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.)