OD-17

ORDER SHEET

WPO/490/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

TANIMA DAWN
Vs
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date : 4th April, 2023.

Appearance:
Mr. Tapas Kumar Dey, Adv.
Mr. Ashis Kumar Dutta, Adv.
...for the petitioner

Ms. Anjusri Mukherjee, Adv.
...for the State respondent

Dr. Madhusudan Saha Ray, Adv.
...for CESC respondent

The Court: The petitioner has challenged, in the present writ petition, a final order of assessment made by the CESC Limited, on the allegation of unauthorised use of electricity.

The quantum estimated by the CESC Limited is to the tune of Rs.98,133/-.

Although, in strict sense, an appeal lies against such an order under Section 127 of the Electricity Act, 2003, keeping in view the financial plight of the petitioner, who is a widowed lady as submitted by Counsel for the petitioner, having to support a minor son and in view of the petitioner consenting to pay the entire dues by reasonable instalments, the matter is taken up and being disposed of.

Upon hearing learned Counsel for the parties, it transpires that an instalment scheme for a year will suffice to give sufficient relief to the petitioner.

Accordingly, WPO/490/2023 is disposed of by directing the petitioner to pay the entire dues by 12 equal monthly instalments, the first of which shall be paid by April 15, 2023 to the CESC Limited. Upon such first instalment being deposited, the CESC Limited shall restore the electricity supply of the petitioner, however, subject to the petitioner depositing the rest of the instalments by the 15th day of each month for 11 months thereafter. In the event of even a single default on such score, it will be open to the CESC Limited to disconnect the supply for such non-payment. It is further made clear that along with the instalments regarding the dues, the petitioner shall also go on paying the current electricity charges per billing cycle. In the event the petitioner does not pay any of the current electricity charges by the due date or extended date, the CESC Limited shall be free to proceed against the petitioner in accordance with law for such non-payment.

The balance due amount, if any, after dividing the total quantum into 12 monthly equal instalments, shall be rounded off and paid by the petitioner with the last instalment.

It is made clear that the present order shall not prejudice the rights and contentions of the parties, including the CESC Limited, to proceed in accordance with law in the event the parties have any future grievance against each other in connection with electricity supply.

The petitioner shall also pay the restoration charges, as intimated by the CESC Limited to the petitioner, by April 6, 2023 with the first monthly instalment.

The report filed by the State be kept on record.

(SABYASACHI BHATTACHARYYA, J.)

R.Bhar