

26th February,
2024
(AK)
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W.P.A 1229 of 2024

Sri Rajesh Agarwal
Vs.
The Chairman, CESC Limited and others

Mr. Shibendra Nath Chattopadhyay
...for the petitioner.

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

1. Affidavit-of-service filed in court today be kept on record.
2. The petitioner challenges an assessment of dues on the allegation of tampering of electricity.
3. However, the same has been couched in the garb of a direction on the CESC Limited to install a meter in the petitioner's flat.
4. While arguing, learned counsel for the petitioner submits that the petitioner's electricity supply was disconnected on the allegation of tampering.
5. Learned counsel for the CESC Limited submits that the prayers now being made from the bar on behalf of the petitioner have no nexus with the reliefs sought in the writ petition.
6. That apart, final order of assessment was made by the CESC Limited, against which no appeal has

been preferred by the petitioner under Section 127 of the Electricity Act, 2003.

7. Taking into consideration the submissions of the parties, even if we intend to gloss over the discrepancy between the prayer actually made by counsel and that made in the writ petition, the petitioner does not have a right either way, since in view of the disconnection and non-payment of the dues by the petitioner even after the final order of assessment was made, coupled with the fact that the petitioner has not preferred any appeal under Section 127 of the 2003 Act against the final order of assessment, the petitioner is not entitled either to restoration of the electricity connection or to get a new electricity connection or a new meter without first clearing off all the previous dues in any event.
8. Hence, there is no scope of intervention.
9. Accordingly, WPA 1229 of 2024 is dismissed on contest without any 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.)