

AD-37
Ct No.09
12.04.2024
TN

WPA No. 6673 of 2024

Sahbaz Alam Quareshi
Vs.
CESC Limited and another

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder

.... for the petitioner

Mr. Suman Ghosh

.... for the CESC Limited

- 1.** Learned counsel for the petitioner submits that on the allegation of tampering of electricity, a huge bill was raised against the petitioner. The petitioner deposited fifty per cent of the same in terms of an order passed in an anticipatory bail application filed by the petitioner. Since the petitioner is without electricity for quite some time and is suffering in the summer months, the petitioner seeks restoration of electricity, subject to the petitioner putting in the rest of the amount by easy instalments.
- 2.** Learned counsel for the petitioner hands over a copy of the anticipatory bail order in support of his submissions, which is retained on record.
- 3.** Learned counsel for the CESC Limited opposes the prayer and hands over a copy of the order of assessment, which is also kept on record. It is pointed out that the same clearly records that the petitioner fully accepted the liability of the offence and agreed to pay the amount-in-question. Moreover, it is argued that the

deposit made was merely as a condition precedent of obtaining anticipatory bail order and cannot be treated to be compliance of the assessment by the Distribution Licensee.

4. There is substance in the contention of the CESC Limited. In fact, having admitted the final assessment, it does not lie in the mouth of the petitioner to challenge the same, for which obvious reason no challenge under Section 127 of the Electricity Act, 2003 was preferred. In any event, the provisions of Sections 126 read with Section 135 of the said Act clearly mandate that unless the full assessed amount is paid, restoration of electricity cannot be effected.
5. The court cannot override the said specific bar in the law and, as such, the prayer made in the writ petition cannot be allowed.
6. In any event, the petitioner is always at liberty to put in the entire balance amount, along with necessary other charges including the replacement/restoration charges, and get the electricity restored.
7. WPA No. 6673 of 2024 is, accordingly, dismissed without any order as to costs.
8. 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.)