

July 8, 2024
Sl. No.82
Court No.9
s.biswas

WPA 9605 of 2024

Supriyo Chatterjee
vs.
The State of West Bengal and others

Mr. Ranjan Kali
Ms. Mitul Chakraborty
Ms. Payel Nath
Mr. Bidhan Sarkar

... for the petitioner

Mr. Tarak Karan

... for the State

Mr. Suman Ghosh

... for the CESC

1. The writ petition deserves to be dismissed on account of suppression of facts. The petitioner was caught stealing electricity. Provisional assessment was made and final assessment was also made. The petitioner also compounded the offence. This means that the petitioner accepted that offence had been committed.
2. The petitioner entered into an arrangement with the CESC Limited to pay up the finally assessed amount in instalments. First of such instalment, i.e., 50% of the assessed amount was payable immediately. The petitioner tendered a cheque. The CESC restored the connection upon acceptance of the cheque. When the cheque was sent for encashment, the same was dishonoured. The CESC disconnected the supply.
3. The CESC authority has submitted the documents including the affidavit by which the

petitioner had undertaken to pay the amount of Rs.2,31,821/- by way of instalments. Clause 5 of the affidavit of the petitioner indicates that the petitioner undertook to pay 50% of the assessed amount, meter replacement charge and reconnection charge for restoration of the supply. The petitioner undertook to pay the balance amount within the following month. Clause 7 of the affidavit provides that in the event of non-payment by instalments, the supply would be disconnected. The copy of the cheque of Rs.1,16,940/- being 50% of the finally assessed amount, has been annexed with the report. The cheque could not be cleared. The CESC disconnected the supply.

4. Thus, the writ petition is dismissed. If the petitioner pays the entire finally assessed amount along with other charges, the connection shall be restored. The entire exercise shall be completed within a period of 48 hours, upon payment of all the charges.
5. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)