

24.06.2024
Item No.10
gd/ssd

MAT/1129/2023
MAHAMAYA GHOSH
VS
THE MANAGER, CESC PRIVATE LIMITED AND ORS.

Mr. Sabyasachi Mukherjee,
Mr. Noortaj Ahmed Mallick,
Mr. Mukesh Khanna,
Ms. Poulami Dey,
Ms. Ankita Nandi
..for the Appellant.

Dr. Madhusudan Saha Ray
..for CESC.

1. This intra court appeal is directed against the order dated 15.05.2023 in WPA 10899 of 2023 by which the writ petition filed by the appellant was dismissed.

2. The appellant/writ petitioner sought for restoration of electricity connection to the premises owned by her. There was a tenant in the property who was the private respondent in the writ petition.

3. The learned Single Bench noted that the private respondent had filed a writ petition in WPA 7626 of 2023 which was dismissed giving liberty to the tenant to clear of the entire outstanding. Further, it has been noted that the assessment has been made not only in the name of the tenant but also the in the name of the landlady/appellant.

4. The said assessment has never put to challenge in any manner nor an appeal was preferred in terms of the Section 127 of the Electricity Act.

5. Therefore, unless and until the entire outstanding is clear, the question of re-connecting or granting the service connection of the appellant would not arise.

6. For the above reasons, no grounds have been made out to interfere with the order passed by the learned Single Bench.

7. Accordingly, the appeal fails and the same is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)