

29.07.2024
Sl. No. 268
g.b./Swa.M
Court No.09

WPA 15946 of 2024

Ratnesh Shrivastava
-Vs-
CESC Limited & Anr.

Mr. Bidyut Kr Halder
Mr. Indranil Halder
.....For the Petitioner
Mr. Suman Ghosh
...for the CESC

The petitioner is aggrieved by the final order of assessment. The petitioner submits that an Hon'ble Division Bench of this Court granted anticipatory bail subject to the petitioner paying 50% of the assessed amount. Accordingly, the petitioner deposited 50% of the assessed amount. Now the petitioner prays for reconnection. The statute provides that reconnection of the supply in case of detection of theft of electricity can be granted only when the person allegedly responsible for such theft pays the entire assessed amount, without prejudice to the right of appeal. There is a provision of a statutory appeal. The consumer should avail of such provision of appeal.

The learned advocate for the CESC opposes to any liberty to be granted by this court to the petitioner to prefer the appeal on the ground that the final order of assessment was passed sometime in February, 2024. The petitioner approached the writ court beyond the period of limitation.

Under such circumstances, the writ petition is disposed of. The petitioner is at liberty to prefer the statutory appeal in accordance with law. All questions raised by the petitioner and the CESC authorities including

the point of limitation, shall be decided by the appropriate authority in accordance with law, within a month from date of receipt the petitioner's appeal.

The writ petition being WPA 14698 of 2024 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after completion of all necessary formalities.

(Shampa Sarkar, J.)