

20.08.2024
Court No.09
Item no.161
CP

WPA No. 16262 of 2024

Chayan Dutta & anr.
Vs.
CESC Ltd. & ors.

Mr. Sreyash Basu Dasgupta
... for the Petitioners.

Dr. Madhusudan Saha Roy
....for the CESC Ltd.

The supplementary affidavit is taken on record.

The petitioners allege that the CESC Ltd. has failed to grant connection to the petitioners' shops. The petitioners claim to be owners of the shops. Earlier, the petitioners enjoyed the shops as tenants.

The learned advocate for the CESC Ltd. submits that the petitioners have been in the property since 2017. They were enjoying electricity from the meter which had been installed in the premises. On detection of theft, the supply was disconnected. The finally assessed amount is still outstanding. Thereafter, the petitioners applied for new connection as the premises was lying without electricity.

It is the contention of the CESC Ltd. that there is a nexus between the petitioners and the consumer against whom there are unpaid dues. The supply given to the consumer was also being used by the

petitioners. Thus, the petitioners would be required to pay the outstanding amount on pro rata basis as per Clause 13.09 of Regulation 46.

The writ petition is disposed of directing the District Engineer, South West District, CESC Ltd. to call the petitioners, the respondent no. 3 and any other person who is likely to be interested, for a hearing and pass a reasoned order upon considering all the facts and the laws involved.

Accordingly, the reasoned decision shall be communicated to the petitioners and if the petitioners comply with all formalities which the District Engineer may point out, connection shall be supplied in accordance with law.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)