

Item No.20
24.09.2024
Court. No. 9
GB

W.P.A. 20946 of 2024

Sri Rajendra Kumar Gupta & Anr.

Vs.

The Calcutta Electric Supply Corporation Ltd. & Ors.

Mr. Tanmoy Mukherjee,

Mr. Souvik Das,

Mr. K.R. Ahmed,

Mr. Rurdanil Das,

Mr. Soumava Santra,

Mr. Tapas Chatterjee

...for the Petitioners.

Mr. Shoham Sanyal

...for the CESC.

1. The petitioners have challenged the allegation of unauthorized use of electricity made by the CESC authorities. It is alleged that from the two meters situated at 28, Mahendra Nath Roy Lane, the petitioners had supplied electricity illegally.
2. The petitioners submit that the purported inspection of the meter was wholly without jurisdiction and only to extract money for the unpaid dues in respect of a connection at Premises No.3/1, Mahendra Nath Roy Lane. Thus, a prayer is made for setting aside the provisional as also the final assessment.
3. Mr. Mukherjee, learned advocate for the petitioners contends that the allegation is false and frivolous. The question of supplying electricity unauthorizedly to the meter situated at 3/1, Mahendra Nath Roy Lane, does not arise and such allegation is unfounded as no

inspection of the meter at the Premises No.3/1, Mahendra Nath Roy Lane had been made.

4. The law provides an alternative remedy by way of an appeal under Section 127 of the Electricity Act, 2003. The petitioners are at liberty to prefer the said appeal. Reconnection shall be given to the petitioners upon the petitioners paying the final assessment bills raised in respect of each of the meters, along with reconnection charges, without prejudice to the rights and contentions in the appeal.
5. The factual dispute raised as to whether the CESC authorities had actually inspected Premises No.3/1, Mahendra Nath Roy Lane, shall be raised before the appellate authority and the CESC authorities will be required to file all documents with regard to the inspection which led them to come to a specific finding that unauthorized use of electricity had occurred.
6. The appellate authority shall dispose of the appeal within a period of two months from receipt of the petitioners' application. The reconnection shall be effected within 48 hours from receipt of the finally assessed amount and the reconnection charges.
7. Accordingly, the writ petition is disposed of.
8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)