

03.09.2024
Court No.09
Item no.09
CP

WPA No. 21604 of 2024

Sami Ahmed & anr.
Vs.
The Calcutta Electricity Supply
Corporation Ltd. & ors.

Mr. Milan Nandi
Ms. Dona Sanyal
Mr. Mayukh Nandi

.... for the Petitioners.

Mr. Debanjan Mukherjee

....for the CESC.

The petitioners allege that CESC authorities had disconnected the supply of the petitioners on account of unpaid dues of another consumer.

Such disputed question of fact cannot be decided by this court. It appears that the other consumer is also a party who is not present before this court, despite service.

The writ petition is disposed of with a direction upon the Senior Executive Commercial, South Regional Office to decide the matter. The writ petition shall be treated as a representation of the petitioners and copy of which shall be forwarded by the learned advocate for the CESC, to the Senior Executive Commercial for adjudication.

Whether this was a simple case of disconnection for non-payment of outstanding dues

or the petitioners were charged on the ground that there may have been some kind of unauthorized use from the meter allotted to the petitioner, shall be decided by the said authority and accordingly, the authority shall be at liberty to take steps in accordance with law. The specific contention of the petitioner is that another persons' consumption had been claimed against his meter.

If the authority finds that the disconnection is on account of unauthorized use or tampering etc. then the authority shall proceed by referring the matter to the appropriate cell for further steps.

If the authority finds that this was a simple case of unpaid dues or there was a mistake, the matter shall be dealt with, accordingly. In any event, a reasoned order shall be passed by the authority, intimating the petitioners the reasons for disconnection and the claim.

This decision shall be arrived at upon hearing the petitioners and the concerned engineer of the CESC who had disconnected the supply, within a period of two months from date.

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.)