

23.09.2024
Item No.47
gd/ssd

MAT/1774/2024
SAMI AHMED AND ANR.
VS
THE CALCUTTA ELECTRICITY SUPPLY
CORPORATION LIMITED AND ORS.
IA NO: CAN/1/2024

Mr. Samrat Chowdhury,
Ms. Dona Sanyal
..for the Appellants.

Mr. Debanjan Mukherjee
..for CESC.

1. This intra court appeal by the writ petitioners is directed against the order dated 03.09.2024 in WPA 21604 of 2024.

2. The writ petition was filed by the appellants praying for a direction upon the CESC to segregate the due arrears in electricity bills of the writ petitioner nos.1 and 2 sent by the respondent no.1 from the respondent no.4 and give direction to deposit actual arrears only of the writ petitioners.

3. The learned Single Bench by the impugned order has disposed of the writ petition by directing the concerned Engineer of CESC to take a decision in the matter.

4. Aggrieved by such order, the appellants have preferred the present appeal. The fact that the respondent no.4 was given an independent electricity connection by CESC is not in dispute. The appellants

would contend that no consent or no objection certificate was obtained from the appellants, who are the owners of the premises. The 4th respondent did not appear in the writ petition, who is the defaulter. The respondent/CESC has now loaded the arrears payable by the 4th respondent to the bill of the appellants and a notice of disconnection has been issued. The appellants have submitted representation to the Senior Commercial Executive on 11.05.2024 stating that one Nusrat Qamar was the consumer of electricity under Consumer No.02290078141/Consumer ID is 02001784081 and she was running a business in the said premises and she has presently shifted to another place and the new address was also given in the representation. It was mentioned by the appellants that unfortunately the dues payable by the 4th respondent has been included in their electricity bill and that they are not liable to pay such a huge amount for their normal connection of electricity.

5. Therefore, the appellants requested the Senior Commercial Executive to look into the matter and realize the dues from the 4th respondent, who left the premises and shifted to the new address. This representation was not considered.

6. Therefore, it is not a case where a sub-meter was installed in the main meter which stood in the

name of the appellants but it is a new connection given in the name of the 4th respondent.

7. Therefore, whether the appellants can be made liable for the dues of the 4th respondent is questioned which has to be adjudicated since the learned advocate for CESC submitted that there is a nexus between the appellants and the 4th respondent. This being disputed question, the authority could not have resorted to disconnection forthwith.

8. Therefore, the appeal is allowed. The order passed in the writ petition is set aside and the respondents/CESC are directed to reconnect the disconnected electricity supply after accepting the appellants payment payable by the appellants for their electricity connection alone.

9. In so far as dues payable by the 4th respondent, the appropriate authority of CESC is directed to issue notice to the appellants and the 4th respondent and then proceed to adjudicate the matter.

10. With the above directions, the appeal stands disposed of.

11. Affidavit of service filed in court be kept with the record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)