

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

13. 11. 2024

BP
Sl. 22
Court No. 14

WPA 25383 of 2024

Goutam Kumar Mitra
Vs.
Calcutta Electric Supply Corporation
Ltd. & Ors.

Mr. Bijoy Adhikary
Mr. Supriyo Ghosh
Ms. Susmita Adhikary
..for the petitioner

Dr. Madhusudan Saha Roy
..for CESC

Ms. Munmun Ganguly
Mr. Sayan Ganguly
..for the State

1. The petitioner claims to be a legal practitioner. His electricity connection has been disconnected on account of non payment of electric bills.
2. It has been submitted that electricity has been charged on a commercial basis. The advocate's chamber ought not to be treated as a commercial unit.
3. The writ petition was taken up for consideration by the Court on 7th October, 2024 and direction was passed upon CESC Ltd. to file documents to show whether the calculation of the final assessment at

the commercial rate was correctly done or not.

4. Learned counsel representing CESC Ltd. has produced the relevant documents before the Court. It appears therefrom that the meter from which the electricity is consumed earlier stood in the name of one M/s. Bharat Tailoring Company. Since the Tailoring Company registered itself as a commercial unit, accordingly, the commercial rate was applied.
5. The petitioner applied before the licensee to change the name in respect of the said meter. Accepting such request, the name of the consumer stood changed from M/s. Bharat Tailoring Company to the name of the petitioner. The nature of supply, however, remained unchanged. CESC raised bills on the commercial rates in the name of the petitioner which he duly paid without raising any objection.
6. An inspection was conducted by the CESC personnel on 19th April, 2024 and it was detected that there was direct tapping/hooking from CESC spare loops bypassing the metering arrangement. The electric supply was disconnected. Provisional assessment bill was raised. Opportunity was granted to the petitioner to file objection which the petitioner failed to do. A final assessment order has

thereafter been passed. The petitioner without challenging the same before the appellate forum has filed the instant writ petition.

7. Upon hearing the parties and on perusal of the materials on record it appears that the nature of the connection of the subject meter was commercial from the very beginning. The petitioner accepted the bills raised at the commercial rates and paid the same. Thereafter when it was detected that there has been direct tapping/hooking from the CESC's spare loops, steps were taken to disconnect the electricity. The petitioner ought to have approached the authority when his objection supported by documents. The petitioner failed to avail the said opportunity. After the final assessment order is passed the petitioner filed objection. Prayer has been made for reconnection of the supply.
8. At this stage there is hardly any scope to grant relief as sought for by the petitioner. The petitioner ought to approach the appropriate appellate forum for relief.
9. The writ petition fails and is hereby dismissed.
10. Documents handed over by the learned advocate representing CESC Limited be retained with the records.

11. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)

