

OD-6

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO /565/2024

SARBAN SINGH
VS
NORTH REGIONAL OFFICE, CALCUTTA ELECTRIC
SUPPLY CORPORATION LTD. AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 2nd July, 2024

Appearance:
Mr. Surajit Ghosh, Adv.
Mr. Netai Nandi, Adv.
Mr. Lalratan Mondal, Adv.
...for the petitioner

Mr. Madhusudan Saha Ray, Adv.
...for CESC

The Court : The petitioner has challenged disconnection of electricity supply. CESC authorities submit that the disconnection took place when theft of electricity was detected. Provisional assessment was made. Thereafter, the authorities also passed the final order of assessment, which has not been mentioned in the writ petition.

The petitioner submits that the allegation is false. It is further submitted that proper hearing was not given to the petitioner. The written objection was filed, but the petitioner was

not heard.

I have perused the order of final assessment, which has been submitted by the learned Advocate for the CESC authorities. The objection of the petitioner that the disconnection was illegal and he had not indulged in unauthorised use of electricity, was considered by the authority and thereafter the assessment was made. The authority was of the view that the petitioner could not demonstrate with cogent evidence that the provisional assessment was made without proper inspection and only to extract money. That the allegation of theft was false and fabricated.

The order of final assessment is an appealable order. The petitioner did not approach the statutory appellate authority within the period of limitation. As 30 days have passed since the writ petition was filed, the decision of the Hon'ble Division Bench reported in *Cal. Electric Supply Corpn. Ltd. & Anr. Vs. Kalavanti Doshi Trust & Ors.* [2011(1)CHN (CAL) 182], will not permit this Court either to extend the period of limitation or to condone the delay by relegating the petitioner to the statutory appellate authority. The petitioner has not been able to demonstrate before this Court any illegality either in the proceedings or in the order of provisional and final assessment. The plea that he had not indulged in any malpractice, cannot be decided by this Court sitting in judicial review. There is no cogent evidence in support of

such contention. This court is not a fact finding court. The law is clear. The petitioner has to pay the finally assessed amount in case he wants re-connection.

In order to give breathing time to the petitioner, this Court directs that upon deposit of 25% of the finally assessed amount, connection shall be restored to the petitioner. The petitioner will pay re-connection charges. Thereafter, the remaining amount shall be paid in 10(ten) equal monthly instalments. 25% of the assessed amount shall be deposited within 10(ten) days. Restoration of connection will take place within 48 hours from receipt of the amount. The remaining 10(ten) instalments shall be paid on and from 1st August, 2024, month by month, every month till the amount is liquidated. The petitioner will pay the current bills.

Failure to deposit any one of the instalments or the current bills will result in disconnection. Needless to mention, in addition to the instalments, current consumption charges would also be paid once the supply is restored.

WPO/565/2024 is disposed of.

All parties are to act on the server copy of this order.

(SHAMPA SARKAR, J.)