

26.11.2025  
Court No.23  
DL/Item No.-46  
[Milan]

**WPA 23941 of 2006**

**Alpana Samanta  
versus  
C.E.S.C Ltd. & Ors.**

Mr. Debanjan Mukherjee,

....for CESC

1. The petitioner challenges the disconnection of electricity and prays for direction upon the respondents to set aside the impugned disconnection notice dated 5<sup>th</sup> June, 2003 being Annexure P/1 to this writ petition.
2. None appears on behalf of the petitioner. No accommodation is prayed for.
3. Even on earlier occasion, none represented the petitioner. This case pertains to the year 2006. Almost 19 years have elapsed. Therefore, the case record is taken up for its disposal on the basis of the material available on record.
4. At the time of admission, the then Co-ordinate Bench of this Court allowed to restore the supply of electricity to the Industrial Unit of the petitioner within 48 hours upon payment of Rs. 1,00,000/- together with reconnection charges and the meter replacement cost vide order dated 17.11.2006.

5. The learned advocate for CESC Ltd. submits that final assessment had already been passed and despite final order of assessment, the petitioner did not prefer an appeal under Section 127 of the Electricity Act, 2003 rather filed this writ petition. As such, the writ petition is not maintainable. Finally, learned counsel prays for dismissal of the writ petition.
6. Having heard the learned counsel for CESC Ltd. and upon perusal of the record, it further appears from the order dated 17.11.2006 that a direction was also given to the learned counsel for CESC Ltd. to hand over a copy of the final order of assessment to the learned counsel for the petitioner immediately.
7. The learned advocate for CESC Ltd. submits that he does not have any instruction whether a copy of the final order of assessment was served or not.
8. The petitioner should have preferred an appeal by this time. No intimation has been given to this court about subsequent development by the petitioner and she has remained silent for years together.
9. In view of the above backdrop, no useful purpose would be served in keeping this writ petition pending forever.
10. Consequently, **WPA No. 23941 of 2006** is disposed of with a direction to the petitioner to file an appeal under Section 127 of Electricity Act, 2003 before the

Appellate Authority in accordance with law, if not already filed.

11. It is made clear that the point of delay in filing an appeal is left open for the parties to agitate before the Appellate Authority.
12. If an appeal is notfiled within one month from this day, CESC Ltd. is free to take steps in accordance with law.
13. Interim order, if any, stands vacated.
14. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.
15. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities

**(Ajay Kumar Gupta, J.)**