

11.12.2025
Court No.25
D/L No.21
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 25554 of 2025

**Md Shakil Ahmed
Versus
CESC Limited & Anr.**

Mr. Bidyut Kr. Halder
Mr. Indranil Halder

...for the Petitioner

Dr. Madhusudan Sha Ray
Ms. Debangana Dey

...for the CESC

1. The petitioner has filed present writ application praying for a direction upon the respondents for reconnection of supply of electric connection.
2. Learned counsel for the petitioner submits that on 14th November, 2024 the electric connection of the petitioner was disconnected and on 30th November, 2024 the final assessment order is passed directing the petitioner for payment of Rs. 1,13,269/- towards the unauthorized use of electricity.
3. Learned counsel for the petitioner submits that in the said assessment order, it is falsely stated that the petitioner has supplied the electric connection to Pakeeza Begum from the electric meter of the petitioner. He submits that the authority without any enquiry has passed the order. He further submits that

since the month of November, 2024 the petitioner is without the electricity and he prays for restoration of the electricity.

4. Per contra, learned counsel appearing for the CESC submits that the writ petition filed by the petitioner is not maintainable and barred by limitation. He further submits that on 14th November, 2024 the authority has passed the final assessment order. On receipt of the final assessment order the petitioner has made a representation to the CESC authority on 11th December, 2024 and thereafter the petitioner has not taken any steps. Now the petitioner has filed the present writ application on 3rd November, 2025, i.e., after a period of one year. He submits that as per Section 127(1) of the Electricity Act, 2003, the order passed by the Assessing Officer is an appealable order and the petitioner has to prefer an appeal within a period of 30 days. He further submits instead preferring the appeal before the appellate authority, the petitioner has filed the present writ application after the period of limitation.
5. He relied upon an unreported judgment in the case of ***The West Bengal State Electricity Distribution Company Ltd. & Ors, vs. Pranab Kr. Sarkar*** passed in ***MAT 1875 of 2015*** wherein, the Division Bench of this Court has categorically held that *“It is well-settled while exercising extraordinary jurisdiction under Article*

226 of the Constitution of India, this Court cannot meddle with the statutory period of limitation provided under the statute by extending period of limitation which would amount rewriting the words of the statute.”

6. He further relied upon a judgment in the case of **Cal. Electric Supply Corpn. Ltd. & Anr. vs. Kalavanti Doshi Trust & Ors.** reported in **2011(1) CHN (Cal) 182** wherein, the Coordinate Bench of this Court has held that “...a Writ Court should not by invoking jurisdiction under Article 226 of the Constitution of India revive a barred remedy”.
7. Heard the learned counsel for the respective parties and perused the materials on record and also the judgments relied upon by the learned counsel for the CESC. This Court finds that the electricity connection of the petitioner was disconnected on 14th November, 2024 and subsequently on 30th November, 2024 the final assessment order was passed. On receipt of the assessment order, the petitioner has made a representation on 11th December, 2024. Thereafter the petitioner has not taken any steps. As per Section 127(1) of the Electricity Act, 2003 allows any persons aggrieved by a final order under Section 126 (related to unauthorized electricity consumption / assessment) to file an appeal to the prescribed authority within a period of 30 days, provided they deposit half of the assessment amount. The petitioner has not preferred

any appeal as provided under law. Only after a period of one year, the petitioner has filed the present writ application.

8. Considering the above, this Court finds that the writ application filed by the petitioner is barred by limitation.
9. Accordingly, WPA 25554 of 2025 is dismissed.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
11. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)