

Item- 24-12-2025
79.

WPA 26873 of 2025

sg Ct. 25

Maya Sarkar
Versus
CESC Limited & Anr.

Mr. Achin Jana
Mr. Prosenjit Ghosh
Mr. Bhaskar Dalui
Ms. Chetna Rustagi

...for the petitioner

Dr. Madhusudan Saha Ray

...for the CESC

1. The petitioner has filed the present application for a direction upon the respondent no.2 for grant of electric connection.

2. Learned Counsel for the petitioner submits on 9th August, 2025, the authorities have issued the provisional assessment order directing the petitioner for payment of Rs.2,57,362/- inclusive of electricity duty as applicable, payable to the State of West Bengal.

3. Learned Counsel for the petitioner submits that in the said order there are altogether four consumers but the authorities have calculated the total amount of Rs.2,57,362/- and has not segregated as to how much amount is to be paid by the petitioner.

4. Learned Counsel for the petitioner further submits that due to disconnection of the electric connection, the daughter of the petitioner is facing great difficulty as she is the student of B.Com and the 5th semester examination would be commencing from 5th January, 2026 and due to non-availability of the electric connection, the daughter of the petitioner is

facing difficulty to prepare for her examination without the electricity.

5. Learned Counsel appearing for the CESC Limited submits that in the provisional order dated 9th August, 2025, it is categorically stated that hearing will be given on 18th August, 2025 at 10 A.M. and thereafter another date was also fixed for hearing but out of four persons, only two persons were appeared before the Assessing Officer. Accordingly, finding no other alternative, the Assessing Officer passed the final order on 26th August, 2025. He further submits that the final order of assessment is an appealable order but the petitioner has not preferred any appeal against the final order of assessment dated 26th August, 2025. He further submits that the petitioner has filed the present writ application in the month of November 2025 though the final assessment order was passed on 26th August, 2025 and receipt of the final assessment order is admitted by the petitioner in paragraph 20 of the writ application.

6. Learned Counsel for the respondent has relied upon an unreported judgment and order passed by this Court on 11th December, 2025 in WPA 25554 of 2025 in the matter of Md Shakil Ahmed vs. CESC Limited & Anr. and submits that this Court has categorically held that if the final order is passed and the petitioner has not preferred any appeal within the period of limitation, this Court cannot condone the delay for preferring the appeal.

7. Heard the learned Counsel for the respective parties. This Court finds that initially, the authorities have issued a provisional order of assessment on 9th August, 2025 and two

dates were fixed for hearing but out of four persons only two persons had appeared. Finally, on 26th August, 2025, the Assessing Officer has passed the final order. The grievance of the petitioner is that the Assessing Officer assessed the amount of Rs.2,57,362/- but it is not specified which person is liable to pay how much amount as the Assessing Officer assessed the said amount including the four consumers.

8. This Court finds that if the petitioner is aggrieved only with regard to quantum of the assessment, the petitioner ought to have approached the appellate authority or filed a review application before the Assessing Officer for clarification with regard to how much amount is required to be paid by the petitioner but the petitioner has not done so.

9. Thus, this Court does not find any merit in the present application. The writ application is dismissed. However, the dismissal of the writ petition will not prevent the petitioner to take appropriate steps before the appropriate authority for clarification as to how much amount is to be paid by the petitioner out of total amount of Rs.2,57,362/-.

10. It is, however, made clear that if any clarification has been given by the authority and petitioner is paid said amount, the electric connection shall be restored by the respondent in accordance with law.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Krishna Rao, J.)