

D/L.03.
March 11, 2026.
KAUSHIK

WPA No. 5251 of 2026

Md. Sarfuddin & Ors.
Vs.
CESC Ltd. & Anr.

Mr. Bidyut Kumar Halder
Mr. Indranil Halder
Ms. Neha Singh
... for the petitioner

Dr. Madhusudan Saha Roy
Mr. Debanjan Chatterjee
... for the CESC Ltd.

The grievance of the petitioner is directed against an order of provisional assessment dated 11th February, 2026.

It is submitted on behalf of the petitioner that the respondents have wrongfully disconnected the electricity connection to the premises of the petitioner.

On behalf of CESC Ltd., it is submitted that there is an alternative efficacious statutory remedy available under the Electricity Act, 2003. It is also submitted that the entire family of the petitioner no. 1 including his wife and son are involved in direct hooking. Thus, it is in public interest that the writ petition be dismissed. In support of such contention, the respondent-CESC Ltd. relies on an unreported decision dated 5th May, 2022 passed in FMA 197 of 2011 (Santosh Agarwal Vs. CESC Limited & Ors.).

On behalf of petitioner, it is submitted that he may be permitted to deposit 50 per cent of the

disputed amount in order to restore the electricity connection. In support of such contention, the petitioner relies on the decision in *Mira Rani Pachal Vs. Calcutta Electricity Supply Company Ltd. & Ors.* 2020 SCC OnLine Cal 3223.

On a consideration of the rival submissions made on behalf of the parties, it appears that there is no legally enforceable right, which the petitioner has been able to demonstrate warranting grant of any order. There are serious allegation of theft not only in the name of the petitioner no. 1 but also against his wife and son. Moreover, in the light of the provisional order of assessment and the final order of assessment having been passed, the petitioner has an available statutory alternative remedy.

In such circumstances, there is no question of entertaining this writ petition.

WPA 5251 of 2026 stands dismissed on the ground of maintainability.

Liberty is granted to the petitioner to avail of the statutory remedy in accordance with law, if so advised. It is made clear that there has been no expression on the merits of the case.

(Ravi Krishan Kapur, J.)