

09.04.2026
Court No. 12
ML 17
April 2026
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 510 of 2026

IA No : CAN 1 of 2026

Md. Iftexhar

-Versus-

CESC Limited & Anr.

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder,
Ms. Neha Singh

.....for the appellant

Dr. Madhusudan Saha Ray

....for the CESC.

1) The appellant is aggrieved by an order dated February 27, 2026 passed in W.P.A. No. 24627 of 2026. By the order impugned, the learned Court rejected the prayer for reconnection on the ground that unless the consumer paid remaining 50% of the final assessment, reconnection shall not be granted as per law. His Lordship however granted liberty to the appellant to approach the appropriate forum.

2) Mr. Halder, learned advocate for the appellant submits that the appellant had already deposited 50% of the assessed amount, when he was granted anticipatory bail. Thus, the Court should be liberal and allow the reconnection without directing further payment.

3) The Court cannot rewrite the law nor can the regulations be liberally construed. Under Section 135(1A), third proviso read with Clause

6.3 of the Regulation 55/WBERC dated August 7, 2013, the consumer whose supply has been disconnected on the ground of theft or unauthorized use of electricity can seek reconnection without prejudice to all other statutory remedies, upon deposit of the finally assessed amount.

4) However, considering the ensuing summer and the financial condition of the appellant, this Court permits reconnection upon payment on the following terms and conditions :-

(a) The remaining amount of the final assessment shall be paid in three equal monthly instalments. The first instalment shall be paid within 10 days from the date of communication of this order.

(b) The reconnection shall be effected within 48 hours upon payment of reconnection charges by the appellant and the first instalment.

(c) The remaining two instalments shall be paid within 8th June, 2026 and 8th July, 2026 respectively.

5) If the amount as directed is not paid within the time fixed and if there is any default in payment in respect of the 2nd or 3rd instalment, the CESC authority will be at liberty to disconnect the electricity. This order is without prejudice to the right of appeal, which the appellant has under the law. All payments made shall be subject to the result of the appeal. The statutory appeal shall be filed within 10 days.

6) Accordingly, the appeal and the connected application are disposed of.

7) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)