

Item No.4
31.03.2026
Court. No. 12
GB

MAT 565 of 2026
With
CAN 1 of 2026

Smt. Mira Shaw
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

Ms. Lasshmi Shaw

...for the Appellant.

*Mr. Dr. Madhusudan Saha Roy,
Mr. Debanjan Chatterjee*

...for the WBSEDCL.

1. The appeal arises out of an order dated March 20, 2026, passed in WPA 5357 of 2026. His Lordship, upon perusing the report of the WBSEDCL held that despite direction upon the appellant to provide full cooperation to the WBSEDCL to access the meter board position, such cooperation was not rendered.
2. It is submitted that the report before His Lordship was not handed over to the appellant and the appellant did not get any opportunity to file exceptions to the report.
3. We find from the order that, His Lordship has specifically noted non-cooperation by the appellant and held that the appellant had approached the writ court with unclean hands. His Lordship allowed the WBSEDCL to exercise powers under Section 163 of the Electricity Act, 2003. Under Section 163 of the Electricity Act, 2003, every licensee or distribution

company has a right to enter into any premises in which supply is granted, for inspection, testing, repairing, altering the electric supply lines, altering the meters, fittings, works and apparatus used for supply of electricity which belongs to the licensee or the distribution company. The licensee can also ascertain the amount of electricity supplied to such meter or to the consumer. The licensee/distribution company is further empowered to remove any supply of electricity which was no longer required. Sub-Section (3) of Section 163 empowers the licensee to cut off electric supply, in the event it is found that the consumer is not cooperating with the licensee and resisting inspection. His Lordship has categorically held that despite the order of His Lordship allowing inspection of the premises the consumer did not cooperate. Although, it is the specific case of the appellant that no resistance was whatsoever given to the WBSEDCL, when the WBSEDCL went to inspect the property, it is the specific contention of Dr. Saha Roy that there was severe resistance on two occasions. These are factual aspects which the appeal court cannot go into. His Lordship has observed that there was resistance and non-cooperation by the consumer. With regard to the allegation of disconnection of supply, the same was not the subject matter of the writ petition. The

issue is open to be decided at an appropriate stage if the appellant files further proceeding alleging wrongful disconnection.

4. Under such circumstances, we are not inclined to entertain the appeal. The submission of Ms. Shaw, learned advocate for the appellant that she could not appear physically and certain important facts could not brought on record, is a ground for review and as such, the appellant is at liberty to prefer a review before His Lordship's.
5. Accordingly, the appeal and the connected application are disposed of.
6. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)