27.04.2026
Court No. 12
Item No. 06
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 718 of 2026
IA No : CAN 1 of 2026

Sanjay Kundu
-Versus-
CESC Limited & Ors.

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder,
Ms. Neha Singh
.....for the appellant
Mr. Anirban Tarofder,
Mr. Aayush Sharma
....for the CESC.

1) We are not inclined to interfere with the order impugned before us.

2) Admittedly, the writ petition was filed before His Lordship by the consumer against whom Rs. 9,65,377/- was due and payable on account of unauthorized use of electricity. The said consumption was made by direct hooking.

3) It appears that the provisional assessment for unauthorized use of electricity, was made for an amount of Rs. 9,65,377/-. The appellant did not appear for the hearing before the final assessment. The final order of assessment was passed on March 1, 2013 amounting to Rs. 9,65,377/-. The final assessment was challenged by filing W.P. No. 5841(W) of 2013. The High Court set aside the final assessment granting liberty to the appellant to appear at the hearing. An appeal was preferred. The Division Bench directed the appellant to deposit a sum of Rs. 2,25,000/- and upon

receipt of such payment supply of electricity was directed to be restored within 48 hours. A further sum of Rs. 2,25,000/- was directed to be paid in two equal monthly instalments, one to be paid within May 15, 2013 and the other instalment to be paid by June 15, 2013.

4) The appellant paid the amount as directed by the Court.

5) The final order of assessment was passed upon hearing the appellant. The appellant preferred a statutory appeal by depositing Rs. 32,688. The appeal was dismissed and the assessment was upheld. The supply was discontinued. Another writ petition was filed challenging the order of the appellate authority. The writ petition was disposed of, directing rehearing of the appeal by the appellate authority. An appeal was preferred before the Division Bench and restoration of supply was permitted upon payment of a sum of Rs. 1,00,000/-. Such money was paid and supply was restored. The appellate authority passed an order and the final assessment was upheld. Such order was challenged in the writ petition.

6) The said matter was finally disposed of by the order impugned and His Lordship was of the view that electricity was being enjoyed by the appellant without payment of the entire assessed amount.

7) According to law, upon payment of the amount finally assessed, the supply is to be restored to a consumer, whose line had been disconnected on account of unauthorized use of electricity.

8) His Lordship held that the appellant could not demonstrate before His Lordship that he

was entitled to any relief. His Lordship held that discretionary and equitable relief could not be granted to the appellant in the absence of any evidence to the contrary that, the appellant had not consumed electricity by directing hooking.

9) Under such circumstances, we do not find any reason to interfere with His Lordship's order. The appellant seeks to approach the CESC authorities for settlement. Discretion lies with the CESC authorities as to whether any concession can be granted to the appellant or not. The order impugned is upheld. The CESC authorities can proceed in accordance with law. The appellant shall make an offer within a week from date and the CESC will consider such request within a week from the receipt of the offer of the appellant. Thereafter, if negotiations fail, the CESC can take steps in accordance with law.

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

11) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings. The order impugned is set aside.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)