09.06.2026
SL No.3
Court No.12
(gc)

MAT 894 of 2026
CAN 1 of 2026

Nilam Shaw
Vs.
CESC Limited & Anr.

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder
…for the Appellant.
Mr. Suman Ghosh,
Mr. Aayush Sharma
…for the CESC.

1. Mr. Halder, learned Advocate for the appellant submits that, while dismissing the writ petition the learned Judge did not grant any liberty to the appellant to prefer a statutory appeal under Section 127 of the Electricity Act, 2003. According to Mr. Halder, 50% of the finally assessed amount was deposited as a pre-condition for grant of bail, but CESC Limited had failed to reconnect the supply despite receiving part payment. On these two grounds, the appeal has been filed before this Court.

2. We are not in agreement with Mr. Halder, for the following reasons:-

   a) The statute provides a period of 30 days for preferring the appeal and it has been settled by various decisions that, the period to file the appeal could not be extended as the statute did not permit so. Under such circumstances, even Courts cannot extend such period of limitation to file an appeal from the final order of assessment. The situation would have been different, had the writ petition been filed within 30 days from issuance of the order of final assessment. In this case, the writ petition was filed much after the period of limitation had expired and, as such, the writ Court could not have extended the period of limitation, in the absence of any provision in the statute for condonation of delay in preferring the appeal.

b) The law also provides that connection can be restored in respect of premises in which disconnection had taken place on account of unauthorized use of electricity or theft of electricity, upon payment of the entire amount assessed and such payment, if received, would be subject to the final decision either in the final assessment or in the appeal, as the case may be.

3. Under such circumstances, the only modification that can be made is that, the amount of Rs.1,47,848/- shall be paid in four equal monthly instalments. Upon payment of the first instalment along with the reconnection charges, supply should be restored within 48 hours from receipt thereof.

4. The first instalment shall be paid within 30th June, 2026. The second instalment shall be paid within 31st

July, 2026. The remaining two instalments shall be paid within 31st August, 2026 and September 30, 2026.

5. In case of default in payment of any of the instalments, supply can be disconnected.

6. Needless to mention that, in the event the electricity supply of the appellant is restored upon payment of the first instalment, regular consumption bills will be raised and payments thereof shall be made, in addition to the instalments.

7. Accordingly, the appeal and the connected application are disposed of.

8. However, there shall be no order as to costs.

9. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)