

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 29516 of 2014

Sanjay Kundu
Vs.
CESC Limited and Ors.

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

Mr. Anirban Tarafder
...For the respondents

1. It is submitted on behalf of the CESC Limited that there were outstanding dues aggregating to Rs.9,65,377/- which are due and payable in view of the illegal and unauthorized use of electricity by means of direct hooking which the petitioner had allegedly adopted.
2. Pursuant to an interim order passed by a Coordinate Bench the petitioner was permitted to pay 50% of the disputed amount. Upon such payment, the CESC Limited had reconnected the electricity supply in terms of the order dated 12 March 2013.
3. Being aggrieved by the said order the petitioner had approached the Hon'ble Division Bench which granted further installments in respect of the 50% directed to be paid.
4. The matter has been pending since 2014. It is an admitted position that 50% of the balance dues

payable by the petitioner remain unpaid. There are also serious allegations of illegal and unauthorized use of electricity by means of direction connection insofar as the subject meter is concerned. In short, there is not only a question of non-payment by the petitioner but also one of theft.

5. The proceedings insofar as the provisional order of assessment and final order of assessment have been long concluded.
6. In this background, the petitioner is in a convenient position where 50% of a debt has not been paid due to the pendency of this proceeding. There is also no offer by the petitioner to make payment of the balance amount. On the contrary, the petitioner's only aim is to procrastinate matters. By an earlier order the petitioner had been directed to take instruction whether there was any purpose in proceeding with this writ petition. The petitioner was represented in person and submitted that he intended to pursue such proceeding. There is nothing which the petitioner has been able to demonstrate as to why he should be entitled to any discretionary relief. In such circumstances, WPA 29516 of 2014 stands dismissed.
7. Liberty is granted to the CESC Limited to take all coercive steps in accordance with law both in

respect of the disconnection and the balance outstanding arrears inclusive of interest.

(Ravi Krishan Kapur, J.)