

(1999) 10 CAL CK 0011
In the Calcutta High Court
Case No : M.A.T. No. 3089 of 1999

Md. Farouqe

APPELLANT

Vs

C.E.S.C. Ltd. and Others

RESPONDENT

Date of Decision : 14-10-1999

Acts Referred:

Electricity Act, 1910 — Section 23

Citation : AIR 2000 Cal 166 : (2000) 2 CivCC 555

Hon'ble Judges : Satyabrata Sinha, Acting C.J.; Md. Habeeb Shams Ansari, J

Bench : Division Bench

Advocate : B.K. Halder, for the Appellant; Subir Sanyal, for the Respondent

Judgement

M.H.S. Ansari, J.—The instant appeal is directed against an order dated 27th August, 1999 passed by a learned single Judge of this Court in W. P. No. 15785(W) of 1999. Whereby and whereunder the C.E.S.C. authority was directed to restore electricity supply within 72 hours unconditionally upon payment of reconnection charges. It was further directed that thereafter, in the event the petitioner shall pay 50% of the demand raised by the C.E.S.C. to wards up-metered consumption within 7 days from the date thereof, then the line shall not be disconnected.

2. When the stay application was moved on 6-9-1999 this Court keeping in view the fact that the electrical connection had been restored and the fact that the appellant had taken advantage of the said order, we did not consider it fit to interfere with the discretion exercised by the learned trial Judge at that stage.

3. It was, however, directed that the appeal shall be treated on day"s list and shall be disposed of along with other similar matters" argument wherein had been concluded.

Today we have pronounced judgment in these cases.

4. The grievances of the petitioner in the instant case is that the bills for the

month of January to May, 1999 are highly exaggerated and he could not pay the same on that account, however, on 10th June, 1999 inspection was made by C.E.S.C. authority and it was decided that the seals of the meters were found spurious.

5. A demand on account of charges arising out of unmetered consumption were raised and a sum of Rs. 3,62,335.04p. has been demanded by letter dated 14-6-1999 bearing No. LCC/858/1/99.

6. The details as to how the said amount of demand has been arrived at and the period for which the demand has been made, has not been stated in the demand notice dated 14-6-99.

7. In the circumstances, we dispose of the writ application with a direction that the dispute shall be referred to the Chief Electrical Inspector within a period of two weeks from date, if the same has not already been referred to him. The C.E.S.C. shall, however, give to the writ petitioner/appellant the details and/or the basis on which the demand has been raised to enable the appellant to make effective submissions in that behalf before the Chief Electrical Inspector within six weeks from date.

8. It is hereby clarified that the disputes hereby directed to be referred to the Chief Electrical Inspector shall be in his capacity as Special Referee and he shall dispose of the matter preferably within a period of 4 months from the date the dispute is referred to him and after affording an opportunity of hearing to the parties concerned. However, in the facts and circumstances of the instant, case, we do not wish to interfere with that part of the order under appeal whereby 50% of the demand was directed to be paid by the appellant in view of the orders dated 6-9-99 passed by us rejecting the stay application and for the reasons already stated therein.

9. The appeal is accordingly disposed of in terms as above.

S.B. Sinha, Actg. C.J.

10. I agree.