
(2018) 02 CAL CK 0024
In the Calcutta High Court
Case No : 12 of 2018

MIRA PAUL

APPELLANT

Vs

CESC LIMITED & ORS.

RESPONDENT

Date of Decision : 14-02-2018

Acts Referred:

Citation : (2018) 02 CAL CK 0024

Hon'ble Judges : Patherya

Bench : Single Bench

Advocate : M. Agarwalla, B. Manot, M. Saha Ray

Judgement

1. The Court : This application warrants no order as all that the petitioner seeks is to restore supply of electricity at the subject premises.
2. Admittedly, the order of provisional assessment was passed on 19th April, 2017 and was received by the petitioner as the writ petitioner herself has annexed this order which is P-3. Within fifteen days from the date of passing of this order of provisional assessment, she had to file a written objection. The date of hearing was fixed on 27th April, 2017 and the time was also designated being 11.30 a.m.
3. In this writ petition, therefore, the petitioner sought to set aside the provisional order of assessment dated 19th April, 2017, but the writ petitioner did not inform this Court nor has it been averred that the final order of assessment was passed on 12th May, 2017.
4. The said order was handed to Court by counsel for the licensing company and on a perusal thereof it appears that no written objection was filed by the petitioner. She was represented through her Advocate Sri Uttam Kumar Ghosh on 27th April, 2017 being the hearing date. Verbal submissions were also made and it was only on the basis of the submissions made by the petitioner's Advocate that the final order of assessment was passed on 12th May, 2017.

5. Admittedly, the said order dated 12th May, 2017 has not been challenged before the appellate authority. In fact, one Apu Paul, the son of the consumer who is the writ petitioner here before me, filed an affidavit and his affidavit makes interesting to read. The said affidavit must be set out hereinbelow and is set out hereinbefore for ready reference: "Before the Notary Public at Sealdah Court

AFFIDAVIT I, Apu Paul, s/o. Late Amar Chand Paul, aged about 51 years, by faith-Hindu, by occupation-Business(Grocery), Residing at 5A, Abinash Chandra Banerjee Lane, P.S. Belegkata, K.M.C. Ward No.34, do hereby solemnly affirm and declare as follows:-

1. That I am duty bound to pay my standing arrear dues before the C.E.S.C. Ltd. Cash counter.

2. That I am also duty bound to pay entire dues into a 8(eight) installments equally standing in the name of my widow mother, Mira Rani Paul.

3. That the C.E.S.C. meter standing in the name of since deceased Amar Chand Paul had been in use and enjoy by my younger brother Tapu Paul.

4. That I am not able to pay the entire dues of my since deceased father Amar Chand Paul.

5. That I am an Indian national by birth. That the statement made above is true to the best of my knowledge and belief and after read over and explained I put my signature on 4.12.2017 at Court premises. Apu Paul

Deponent

Readover, explained and

Identified by me

Uttam Kr. Ghosh

Advocate

F/827/824/90

04/12/2017

04 DEC 2017"

6. From a reading of the said affidavit, it appears that Apu Pal, the son of the writ petitioner, has specifically stated that he is duty bound to pay the entire dues in eight instalments. Therefore, he has agreed to make payment of the sum of Rs.2,20,643/- in eight instalments. This was handed to the licensing company on 4th December, 2017. The writ petition has been filed in January 2018 and surprisingly there is no mention of either the affidavit dated 4th December, 2017 nor has the final order of assessment been annexed.

7. Therefore, this application suffers from suppression of material facts and is accordingly dismissed.
8. Documents submitted by the counsel for the licensing company be kept with the records.
9. Certified copies of this order, if applied for, be supplied to the parties subject to their compliance with all the requisite formalities.