

02.9.2026
Ct. no.7
D/L.6
Samarpita

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

WPA 22811 of 2026

Sk. Abbas Ali
Vs.
State of West Bengal &ors.

Mr.JayantaSamnata,
Ms.KarunamoyeeSamanta,
Ms.Satabdi Bhattacharya,
Mr.RiddhiNaskar

... for the Petitioner

Dr.MadhusudanSaha Roy,
Mr.AnirbanTarafdar

..for the CESC

Mr.AnindyaBasu,
Mr.ParthaSarathiBasu

.. for the State.

1. This writ petition is directed against the action of the respondent CESC authorities in disconnecting the electricity supply at the petitioner's premises on the ground of unauthorised use of electricity.
2. The documents annexed to the writ petition reveals that, the petitioner's father was a registered consumer of electricity at the relevant premises. The said electricity supply was disconnected on May 29, 2026. The writ petitioner has asserted that at the instance of the CESC authorities a criminal proceeding has been initiated against the petitioner without the petitioner being involved in any criminal act or offence.

3. Mr. Jayanta Samanta, learned advocate appearing for the petitioner submits that, electricity supply at the premises should be restored, since, the CESC authorities have acted illegally.
4. Dr. Saha Roy, learned advocate appearing for the respondent-CESC authority submits that, electricity supply at the relevant premises was disconnected upon unauthorised use of electricity being detected by the authorised officer and the assessing officer, who conducted inspection at the said premises.
5. It is submitted that an order of provisional assessment was passed on May 29, 2026 and thereafter, the petitioner himself attended the hearing before the assessing officer on June 6, 2026.
6. It is next submitted that a final order of assessment was ultimately passed on June 8, 2026 and the same was served upon the petitioner on June 12, 2026.
7. Copies of document showing participation of the petitioner in the hearing before the assessing officer, the final order of assessment and service thereof on the petitioner's mother have been produced in the Court today. The same are taken on record.
8. Since a final order of assessment has already been passed and served on the petitioner in June, 2026 this Court cannot intervene at this stage when the writ petition has been filed on August 24, 2026 (i.e. after the expiry of the period between which an

appeal could be preferred before the appellate authority under Section 127 of the 2003 Act).

9. In fact, the writ petition is conspicuously silent as regards the order of provisional assessment as well as the final order of the assessment.
10. Having regard to the above, no direction for immediate restoration of electricity supply can be passed.
11. It is now well-settled that restoration of supply of electricity upon a final order of assessment being passed can only be done upon payment of the finally assessed sum in terms of Section 135(1A) read with regulation 6.3 of the West Bengal Board Regulatory Commission (Electricity Supply Code) Regulations, 2013.
12. Thus, if the writ petitioner makes payment of the finally assessed sum in its entirety to the CESC authorities, the said authorities would restore the electricity supply within forty eight hours of making payment of such sum.
13. Mr. Samanta, learned advocate appearing for the petitioner requests this Court to pass a direction for payment of the aforesaid sum in instalments and restoration of the electricity supply in the meantime.
14. No mandatory direction in such regard can be passed by this Court. However, petitioner is left free to approach the respondent-CESC authorities with a request for restoration of electricity supply upon

payment of a lumpsum (being a portion of the finally assessed sum) and for accepting the balance of the finally assessed sum in instalments within a specified time frame. If such a request is made the respondent-CESC authorities would consider such request in the right earnest, in accordance with law.

15. However, it is clarified that the ultimate decision would be taken by the CESC authorities independently as there is no mandate of this Court.
16. Insofar as the other prayers in the writ petition is concerned, the same are not maintainable before this Court and accordingly the Court is not entertaining the same. The petitioner shall however remain free to agitate the petitioner's grievances in accordance with law before the appropriate forum.
17. **WPA 22811 of 2026** stands disposed of. No costs.
18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Om Narayan Rai, J.)