WPA 28958 of 2026

Sk. Mantu
-v
C.E.S.C. & Anr.

09. 10.2026
sl.no.14
ct.652

Mr.Bidyut Kr. Halder
Mr. Indranil Halder
….for the petitioner

Dr. Madhusudan Saha Ray
…for the CESC

1. The petitioner has challenged in the instant writ petition an order of the provisional assessment dated 17th September, 2026. In the same, the Assessing Officer has determined about pilferage of the meter of the petitioner and total amount of Rs. 50,559/- as the defalcated consumption by him.
2. Mr. Halder, learned advocate for the petitioner submits that the charges against the petitioner for pilferage and deflection of consumption of electricity, are baseless and assessment is without any foundation.
3. Learned advocate for the respondent authority raises strong objection to such contention and prayer of the petitioner. He informs that the final assessment has already been made by the respondent authority to the tune of Rs. 45,992/- and the petitioner has accepted such final assessment. He has referred to the relevant provision under Section 125(5) of the Electricity Act 2003, to submit that consent order of the assessment is not amenable to challenge in an appeal.
4. It appears that in view of the nature in the present dispute, the petitioner has an

alternative remedy of preferring an appeal against the final order of the Assessing Officer.

5. As a matter of fact, it may be stated that the petitioner has expressed willingness to prefer an appeal challenging the said order of the authority, which is however yet to be supplied to him by the authority.
6. In view of the virtual copy of the order of the final assessment, it never appears that the said order has been passed either on consent of the petitioner or the petitioner has ever, in expressed terms within the four corners of law, has accepted the said order.
7. In such circumstances, the submission made on behalf of the respondent authority is not acceptable at the present moment.
8. Let the writ petition therefore be disposed of by directing the respondent authority to immediately restore electricity connection at the premises of the petitioner subject to payment of Rs. 50% of the assessed amount and compliance with other formalities, if any. The petitioner shall be at liberty to challenge the final assessment order within the statutory time frame, after receipt of the same.

(Rai Chattopadhyay, J.)