



the judgment the District Engineer issued the impugned notice, and on the basis thereof disconnected supply of electricity to the petitioner and removed the meter through which she was getting supply.

3. After considering the case of the parties stated in their affidavits, I am of the view that the District Engineer acted arbitrarily and without jurisdiction. No law empowered him to disconnect supply of electricity to the petitioner on the basis of the Civil Court judgment dated May 6, 2009. It is not disputed that with respect to the meter the petitioner is the consumer. It is nobody's case that the petitioner requested CESC to disconnect supply of electricity to her and removed the meter concerned.

4. Mr Banerjee, counsel for CESC, has submitted that after disconnection of supply the petitioner started using energy unauthorisedly. Correctness of this submission has been strongly disputed by Mr Sengupta, counsel for the petitioner. Mr Chattopadhyay, counsel for the third respondent, has submitted that no order should be made affecting progress of the execution proceedings.

5. In my opinion, if the petitioner started using energy unauthorisedly, then CESC should have taken appropriate steps according to law. I am unable to see how an order directing CESC to reconnect supply to the petitioner can affect the third respondent's pending execution proceedings. The third respondent is free to proceed with them.

6. For these reasons, I dispose of the petition directing CESC to re-install the meter and reconnect supply of electricity to the petitioner through the meter unconditionally within 48 hours. It is made clear that CESC is free to proceed against the petitioner, if there are reasons to proceed for unauthorised use of energy. It is also made clear that the third respondent is free to proceed with the pending execution proceedings according to law. No costs. Certified xerox.

(Jayanta Kumar Biswas, J)