

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present :- Hon'ble Justice Amrita Sinha

WPA No. 10160 of 2026
With
CAN 1 of 2026

Smt. Mira Shaw
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

For the writ petitioner	:-	Ms. Lakshmi Shaw, Adv.
For WBSEDCL	:-	Dr. Madhusudan Saha Ray, Adv. Mr. Debanjan Chatterjee, Adv.
Judgment reserved on	:-	17.07.2026
Judgment delivered on	:-	24.07.2026
Judgment uploaded on	:-	24.07.2026

Amrita Sinha, J.:-

1. The notice dated 23rd March, 2026 issued by the Divisional Engineer and Station Manager, Kankinara CCC, WBSEDCL intimating the petitioner that the officials of WBSEDCL with S & LP (24 Parganas, North Wing) along with the forces of the Bhatpara police station disconnected the service line on 23rd March, 2026 at 11.45 am from the nearest pole of WBSEDCL as no access to the premises was given to them when WBSEDCL officials and forces of the Bhatpara police station went to inspect the premises on 13th

March, 2026 as per direction of the Hon'ble High Court dated 9th March, 2026, is impugned in the instant writ petition.

2. Primary challenge to the impugned notice is that provisions of the Electricity Act and particularly Section 163 of the Electricity Act, 2003 has not been complied with prior to disconnection of electricity. It has been submitted that as per the aforesaid provision, prior notice of disconnection ought to have been given. The authority illegally and arbitrarily disconnected the electric line without any prior notice.
3. It has been submitted that no amount is due on account of electricity charges from the petitioner and she is enjoying the electricity from the subject meter for decades. She has to be treated as deemed consumer. Disconnecting electricity during the summer season illegally, without any notice to a consumer is bad in law and liable to be set aside.
4. Prayer has been made to set aside the impugned notice and to direct the authority to reconnect the electric line.
5. The writ petition was filed on 23rd April, 2026 and was taken up for consideration by the regular bench on 5th May, 2026, when relying on the report dated 4th May, 2026 filed by the respondent authority, the Court directed the petitioner to take instruction whether any purpose would be served in further pursuing with the writ petition. The Court took note of the submission of the respondent, WBSEDCL, that there has been serious suppression and misrepresentation of facts and an issue with regard to

maintainability and bona fide of the petitioner in filing the writ petition was raised. The matter was made returnable on 11th May, 2026.

6. On 11th May, 2026 the Court heard the parties and released the same from the list granting liberty to the parties to take necessary step for assignment. The matter was assigned by the Hon'ble Chief Justice before this Bench vide an order of assignment dated 13th May, 2026.
7. The matter appeared in the list of this bench on 19th May, 2026. At the time of hearing the parties, the prayer of the petitioner for reconnection of electricity was duly considered. It was pointed out by the respondent authority that the subject meter stands in the name of a deceased person. The petitioner is not a registered consumer. Despite requests, steps have not been taken by the petitioner for change of name of the meter.
8. It was alleged by the respondents that regular access to the meter was not provided by the petitioner for which the meter readings could not be taken and proper electricity bills could not be raised. It was submitted that the authority is agreeable to install new ST meter at the subject premises where easy access is available.
9. The Court directed the petitioner to allow the men and agents of WBSEDCL to enter the premises for taking the meter reading by 21st May, 2026 and to file a report before the Court on 22nd May, 2026. The Court directed that the petitioner would be obliged to comply with the formalities required for changing the obsolete meter within a fortnight.

10. On 22nd May, 2026 when the matter was taken up for consideration, a report by the Assistant Engineer and Station Manager (Officiating), Kankinara CCC, WBSEDCL dated 20th May, 2026 was placed before the Court. It was mentioned therein that prior intimation regarding inspection was sent through email to the learned advocate for the petitioner on 19th May, 2026.
11. On the date of inspection, the officials of WBSEDCL were denied entry. The officials were made to stand outside the premises for more than one and half hours at the gate and then only three persons were allowed entry. One lady officer along with two technical persons were permitted to enter the house; but the Junior Manager was denied entry to the premises.
12. On inspection it was noticed that the manufacturing date of the subject meter is May, 2002 and the guarantee period of the meter expired on July, 2007. The meter lost its effectiveness and it does not give pulse to calibrate reading accurately for which bills on actual unit consumption cannot be raised resulting in revenue loss to WBSEDCL. The officials opined that the existing meter is conventional/ hybrid and the same needs to be replaced immediately.
13. The officials were also of the opinion that the meter is required to be shifted to a reasonable location outside the room which has been shown to the petitioner so that access to the meter will remain hassle free and there will not be any hindrance in recording reading for raising the bills on timely basis.

14. The report also mentions that the meter is standing in the name of the deceased person and application is required to be made for changing the name of the consumer. The details to regularize the anomalies which were found was sought to be served upon the petitioner, but the same was refused to be accepted. The said letter was, accordingly, affixed to the wall of the subject premises and a copy thereof was sent through email to the learned advocate for the petitioner on 20th May, 2026.
15. The authority lodged a complaint before the police on account of the misbehaviour and the resistance caused to the officials of WBSEDCL at the time of causing inspection. The authority opined that there was no privity of contract with the petitioner. The meter being the property of WBSEDCL, the authority cannot be at the mercy of the petitioner for obtaining meter readings. The authority sought for a direction from the Court permitting shifting the meter to a place which is freely accessible for obtaining regular meter readings.
16. At the time of hearing the parties on 22nd May, 2026, the last working day prior to the summer vacation of the Court, the learned advocate for the petitioner denied the statements made in the report and prayed for time to file an exception to the report. The prayer of the petitioner to file exception to the report was allowed by the Court and considering the fact that the petitioner was without electricity, time was granted for preparation and circulation of the report by 8th June, 2026, the reopening day after the summer vacation of the Court, and the matter was made returnable immediately on 9th June, 2026.

17. The order dated 22nd May, 2026 was challenged by the petitioner by filing appeal during the vacation bench being MAT 937 of 2026. The said appeal along with the connected application was taken up for consideration by the Hon'ble Division Bench on 3rd June, 2026 and the same stood disposed of with the observation that as the matter is fixed before the learned Single Judge on 9th June, 2026, the Court was not inclined to entertain the appeal.
18. On 9th June, 2026, learned advocate for the petitioner sought extension of time for filing the exception to the report filed by WBSEDCL. The Court permitted the exception to be prepared and circulated within 16th June, 2026 and made the matter returnable on 23rd June, 2026. On 23rd June, 2026, when the matter was taken up for consideration, learned advocate for the petitioner sought further extension of time for filing the exception. On such prayer, time was extended till 25th June, 2026, and the matter was directed to be relisted on 29th June, 2026.
19. On and from 29th June, 2026 till 10th July, 2026, this Bench was away for holding circuit and the urgent determination of this Bench was assigned to another Hon'ble Judge. The matter appeared before the said Hon'ble Judge on 1st July, 2026 and after noticing the order of assignment of the Hon'ble Chief Justice, the matter was directed to go out of the list.
20. An application seeking modification of the orders dated 19th May, 2026 and 22nd May, 2026 was filed by the petitioner on 10th July, 2026 with a request for listing the same on 15th July, 2026. Accordingly, on 15th July, 2026, the

application and the writ petition appeared in the list and were taken up for consideration by the Court. Learned advocate for the petitioner submitted that an application for change of ownership of the existing meter had been filed in the online portal of WBSEDCL on 8th June, 2026, as the authority refused to accept the application directly from the petitioner. Copy of the application for change of name of meter has been annexed to the exception filed by the petitioner to the report filed by WBSEDCL.

21. At the time of hearing, learned advocate representing WBSEDCL pointed out to the Court that, the alleged application filed by the petitioner for change of ownership of the meter, is not in accordance with law. The enclosures required for change of ownership, were not submitted by the petitioner. In the absence of all the necessary required documents, it will not be possible for WBSEDCL to process the said application.
22. The petitioner strongly insisted for final hearing of the writ petition along with the connected application, to adjudicate whether the disconnection was proper or not and was absolutely not inclined to press her application seeking change of ownership of the meter. Accordingly, the hearing of the writ petition was fixed on 17th July, 2026.
23. On 17th July, 2026 both the parties were heard and the matter was directed to appear in the list on 24th July, 2026 for passing necessary order.
24. In usual course of events, the day-to-day proceedings of the Court are not reflected in the judgment at the time of final disposal of the writ petition, unless otherwise required. All the aforesaid facts mentioned in the

preceding paragraphs could have simply been avoided, but for the insistence of the petitioner, the same has been placed on record.

25. A simple case of disconnection of electricity appears to have been unnecessarily complicated. By this judgment, the writ petition as well as the connecting application could have been disposed of in one go. But considering the conduct of the petitioner and the manner in which wild allegations have been levelled against the respondent authority, as well as upon the learned advocate representing the respondent authority, the Court thinks it fit to deal and dispose of the application and the writ petition separately in this judgment.
26. In CAN 1 of 2026 the petitioner has, inter alia, prayed for a direction to expunge the adverse or erroneous remarks and/or observations made in the orders dated 19th May, 2026 and 22nd May, 2026 and to make appropriate modification upon considering the material on record and after hearing the petitioner. Interim order seeking immediate restoration/reconnection of electricity has been sought for.
27. In paragraph 7 and in several other paragraphs of the application, the petitioner has averred that, on 20th June, 2026, the officials of the respondents came in large forces along with outsiders at her premises and served a letter upon her and tried to break their house.
28. The petitioner ought to have appreciated that the officials of WBSEDCL visited the house of the petitioner on 20th May, 2026, in compliance of the direction passed by the Court on 19th May, 2026. WBSEDCL is an authority

which qualifies the definition 'State' under Article 12 of the Constitution and the said authority has the legal right to cause inspection of the meter installed by the authority. The allegation that the men and agents of WBSEDCL visited the premises and tried to break into the house of the petitioner, is plainly disbelieved by the Court.

29. In paragraph 8 of the application the petitioner has stated that, on 22nd May, 2026, report was filed by the respondents and the matter was heard from the respondent's side completely. It has been alleged that the Court believed the statement made in the report and refused to hear anything from the petitioner's side. The aforesaid statement is a direct aspersion on the Court. Orders are passed in Court not only relying upon report(s) from the authority, but certainly after hearing both the parties. Here also, both the parties were heard and necessary order was passed.
30. In paragraph 9 of the application the petitioner has averred that, erroneous recordings and observations were recorded in the order dated 22nd May, 2026. It will not be out of place to mention that, the order dated 22nd May, 2026 was tested by the petitioner before the Hon'ble Division Bench, but the appeal was not entertained.
31. The petitioner in various paragraphs of the application has sought to urge that the disconnection of the electricity line is illegal and contrary to law. As the said issue is the subject matter of challenge in the writ petition, the same will be addressed separately at the time of dealing with the writ petition.

32. The petitioner in her application has admitted that in the year 2013 and in the year 2023 there was disconnection of electricity. The reason for disconnection has, however, not been disclosed. The same implies that, this is not the first time that there has been a dispute between the petitioner and WBSEDCL. On two earlier occasions, the petitioner suffered disconnection of electricity.
33. Upon hearing the parties on the application and also upon perusal of records, the Court is not at all inclined to modify or expunge any part or portion of the orders dated 19th May, 2026 and 22nd May, 2026, more so because of the fact that, the Hon'ble Division Bench was not inclined to interfere with the order dated 22nd May, 2026. The said order has attained finality. The application does not appear to be a bona fide one. The same contains several factual allegations which are disputed by the authority, hence, cannot be adjudicated in the application stage.
34. The connecting application, being CAN 1 of 2026, accordingly, stands dismissed.
35. In the writ petition the petitioner stresses on the fact that the authority failed to take steps in accordance with Section 163 of the Electricity Act, 2003, as amended.
36. Section 163 of the Electricity Act, 2003 lays down the power of the licensee to enter premises and to remove fittings and other apparatus of the licensee. Section 163 (1) mentions that a licensee or any person duly authorized by a licensee may, at any reasonable time, and on informing the

occupier of his intention, enter any premises to which electricity is, or has been supplied by him, inter alia, for the purpose of inspecting etc.

37. Section 163 (2) lays down that the licensee or any authorized person may also, in pursuance of special order made by an Executive Magistrate and after giving not less than 24 hours' notice in writing to the occupier enter into the premises referred to in sub-Section (1) for any purpose mentioned therein.
38. Section 163 (3) lays down that where a consumer refuses to allow a licensee or any authorized person to enter the premises in pursuance of sub-Section (1) and sub-Section (2) and when the consumer fails to give reasonable facilities for such entry, the licensee may, after expiry of twenty-four hours from service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues.
39. It appears that the petitioner was duly intimated by a letter dated 23rd February, 2026 for making necessary arrangement so that the meter reader could take reading as well as replace the existing hybrid/conventional meter within seven days. The said notice also mentioned that as the door of the premises of the petitioner remained locked, meter readings could not be taken and bills with estimated amount had to be generated.
40. The notice also disclosed that as per clause 8 WBERC-55, the consumer ought to allow the meter reader to check the meter. To allow easy access to the meter for recording regular readings, request was made to make necessary arrangement to shift the meter. The notice dated 23rd February,

2026 contained a tabular chart wherefrom it appears that, on four occasions the meter reader was unable to take the meter reading as the door was locked.

41. The subject notice dated 23rd February, 2026, read with the further notice dated 27th February, 2026, was challenged by the petitioner by filing writ petition being WPA 5357 of 2026. The Court heard the matter on 9th March, 2026 and passed direction that all questions in the writ petition, in so far as the billing dispute raised by the petitioner, shall be adjudicated on the returnable date. The matter was directed to appear in the list on 20th March, 2026. In the meantime, the petitioner was directed to fully cooperative with WBSEDCL officials in causing inspection of the subject meter which would be carried out on 13th March, 2026 at 10.30 am. WBSEDCL was directed to file a report on the returnable date.
42. The aforesaid interim order passed by the learned Single Judge was carried in appeal by the petitioner in MAT 473 of 2026 with CAN 1 of 2026. The said appeal was considered by the Hon'ble Division Bench on 19th March, 2026 and the Hon'ble appeal Court, after hearing the parties, was pleased to dismiss the same. The Court noted that Section 163 of the Electricity Act, 2003, empowers the licensee to enter into the premises of any consumer for inspection, and access to premises of consumers has been provided in Regulation 55 of WBERC. The Court also recorded that the appellant was reading the order, which is an innocuous one, like a statute.

43. The writ petition being WPA 5357 of 2026 was taken up for final consideration by the Court on 20th March, 2026 and upon hearing the parties and on perusal of the report filed by WBSEDCL, the Court was pleased to dismiss the same. The Hon'ble Court was pleased to observe that the petitioner has approached the Court with unclean hands and deserves no discretion. The entire aim of the petitioner is ill-designed and to prevent WBSEDCL to get access to the meter. The Court found the conduct of the petitioner ill-motivated and reprehensible.
44. The aforesaid order passed by the learned Single Judge was carried in appeal by the petitioner in MAT 565 of 2026. The said appeal along with the connecting application being CAN 1 of 2026 was taken up for adjudication by the Hon'ble Division Bench on 31st March, 2026. In the meantime, WBSEDCL disconnected the electricity to the petitioner's premises on 23rd March, 2026.
45. The Hon'ble Division Bench took note of the fact that the learned Single Judge noticed the resistance of the petitioner to give access to the officials of WBSEDCL for taking inspection and the denial thereof by the petitioner and was of the opinion that the factual aspects could not be gone into by the appeal Court. The Hon'ble Division Bench was pleased to observe that the allegation of disconnection of electricity was not the subject matter of challenge in the writ petition and the said issue will be decided if the appellant files proceeding alleging wrongful disconnection.

46. As the learned advocate for the petitioner alleged that the learned Single Judge was pleased to take note of the report filed by WBSEDCL without granting any opportunity to the petitioner to file exception to the same, the Hon'ble Division Bench observed that the same may be a ground for review and the appellant would be at liberty to prefer review before the learned Single Judge. The petitioner has filed the review and the same is pending consideration.
47. Challenging disconnection of electricity, the instant writ petition has been filed.
48. Section 163 (1) of the Act specifically authorizes the licensee or its authorized person to enter any premises where electricity has been supplied by the authority, at any reasonable time, and on informing the occupier of his intension.
49. In the present case, notice for inspection for making arrangement for taking meter reading and replacement of the meter was duly served upon the petitioner on 23rd February, 2026. It is only after such notice was issued and prior intimation provided, that the authority visited the premises of the petitioner on 23rd March, 2026, and on being resisted to provide access to take down the meter reading, disconnected the service line on 23rd March, 2026.
50. Submission of the petitioner that prior notice of inspection and disconnection was not provided to the petitioner does not appear to be proper. The petitioner was very well aware of the notice of inspection issued

on 23rd February, 2026 as the same was challenged by the petitioner by filing writ petition being WPA 5357 of 2026, which ultimately stood dismissed by the learned Single Judge on 20th March, 2026. The Dismissal of the writ petition implies that validity of the notice dated 23rd February, 2026 was upheld by the Court.

51. At the time of dismissal of the writ petition, the Court was pleased to grant liberty to WBSEDCL to exercise all powers available, both civil and criminal, as well as under Section 163 of the Electricity Act. The authority, in exercise of the liberty granted, visited the premises for inspection on 23rd March, 2026 and on being resisted, disconnected the electricity line.
52. Clause 8 of WBERC 55 clearly lays down that the employee of the licensee shall have access to the premises of a consumer at any reasonable time for the purposes of reading of meter, validation reading, testing, repairing etc. The said regulation also empowers the officials of the licensee to enter the premises of a consumer for removal of the fittings, apparatus etc. belonging to the licensee.
53. The petitioner failed to realize that the notice dated 23rd February, 2026 was issued under Section 163 of the Electricity Act, 2003 giving prior intimation to the petitioner. The petitioner was given more than twenty-four hours' notice prior to the step taken by the authority. As the petitioner failed to comply with the directions mentioned in the said notice, her electric connection stood disconnected on 23rd March, 2026 long after the

notice period. The allegation of the petitioner that prior notice was not given, accordingly, is not correct.

54. Specific case of the licensee, WBSEDCL, is that the meter from which the petitioner was enjoying electricity is an obsolete one, which has lost its effectiveness and does not give pulse to calibrate reading accurately. As meter reading cannot be taken for not providing access to the meter, and the electricity bill cannot be generated giving proper figure, the licensee is facing revenue loss. The guarantee period of the existing meter expired in July, 2007. The meter is to be replaced immediately.
55. Submission of the petitioner is that the meter stands in the name of her husband who expired in the year 1999. The said meter was replaced with a meter manufactured in the year 2002. Contention of the petitioner is that as the authority permitted the petitioner to get her earlier meter replaced without insisting upon change of ownership, accordingly, the authority ought not to insist upon change of ownership of the meter.
56. The said contention of the petitioner cannot be accepted. Permitting the petitioner to enjoy electricity from an old and non-functional meter cannot be allowed for eternity. The authority may have allowed the petitioner to enjoy electricity from the said meter for a particular period of time, but the same does not mean that the petitioner will enjoy electricity from the meter standing in the name of a deceased person for all time to come.
57. The petitioner contends that there is no amount due and pending on account of unpaid electricity charges. It has been argued that the authority,

after disconnection of electricity, has also raised bills which the petitioner has duly paid. The petitioner being a senior citizen, not keeping in good health, was not able to affirm the affidavit required to be submitted for change of ownership. The authority ought to reconnect the electricity line without insisting upon either change of ownership or replacement of the existing meter.

58. As regards raising bills after disconnection, learned advocate for the authority relies upon clause 4.10 of WBERC 55 which clearly lays down that during the period of disconnection for any reason whatsoever, the consumer would be liable to pay the meter rent, minimum charge and fixed charge or demand charge, as applicable. The respondents contend that the bills raised after disconnection, are strictly in accordance with the said provision.
59. The petitioner has annexed a photocopy of the application for change of ownership of the meter, but it appears therefrom that the documents required for effecting the change, have not been submitted. The signature of the petitioner has not been made in the said application. Neither the succession certificate nor the undertaking through affidavit, as required in law, has been submitted.
60. Admittedly, the subject meter from where the petitioner was enjoying electricity stands in the name of a deceased person. The recorded consumer expired in the year 1999, that is, nearly 26/27 years back. No direction can be granted by the Court to direct reconnection of the subject meter without

change of ownership. Moreover, in view of the fact that the licensee claims that the meter has become obsolete and has lost its effectiveness after expiry of its guarantee period in July, 2007, the Court, under any circumstances, would not permit reconnecting electricity to the said meter.

61. Neither the authority nor the Court has been made aware of the heir(s) and legal representative(s) of the deceased consumer. Hence, unilateral prayer of the petitioner seeking reconnection of electricity in respect of a meter, standing in the name of a deceased person, without valid document of heirship/succession, cannot be accepted.
62. The petitioner harps on the point that she has to be treated as a deemed consumer of electricity. The Court is of the opinion that the Electricity Act does not permit any person to enjoy electricity without following the due provisions of law. Had the petitioner not resisted the authority at each any every stage, i.e., at the time of taking the meter reading, accepting the proposal for shifting the meter to a place with easy accessibility and also change of ownership, then all these litigations could have been avoided. The petitioner appears to have a penchant to litigate.
63. In paragraph nos. 13 & 17 of the exception filed by the petitioner to the report filed by the authority dated 4th May, 2026, she has made reckless allegations against the learned advocate representing WBSEDCL. The allegation of coercion made by the learned advocate for payment of the bill raised by the authority, cannot be accepted by the Court. Further allegation that the learned advocate for the respondents is trying to vitiate the real

issue to hide their illegalities and raising absurd and false issues to harass the petitioner, also cannot be accepted by the Court.

64. The respondents, being an authority under Article 12 of the Constitution, have every right to engage counsel/advocate to defend its stand before the Court of law. The learned counsel/advocate makes submission only after receiving instruction from the authority. It is absolutely improper to submit that the learned advocate for the respondents has coerced the petitioner to pay the bill. The petitioner is legally obliged to pay the electric bill in terms of the Act and not upon any coercion, allegedly made by the learned advocate for the respondents.
65. Upon perusal of the facts and circumstances of the instant case it appears that the petitioner has tried to make out a case out of nothing. The dispute appears to be very simple and can be resolved in no time. The petitioner, for reasons best known, is simply trying to make things very complex. It appears that the petitioner is not being properly advised so that the issue can be resolved. On the contrary, the petitioner is unnecessarily litigating in Court, for which she is without electricity since 23rd March, 2026.
66. Learned advocate for the respondents have time and again submitted before the Court that the authority is ready and willing to cooperate with the petitioner for resolution of all the disputes to ensure that the petitioner enjoys electricity seamlessly, but it appears that the petitioner, upon improper legal advice or otherwise, is not in the mood to cooperate with the authority. The petitioner has also been asked to shift the meter to a place

where the meter reading can be taken without any hindrance, and at the same time, without infringing upon the privacy of the petitioner. WBSEDCL has also assured that she need not worry about theft of electricity if the meter is shifted outside. WBSEDCL has means and modes to check and detect theft.

67. The petitioner has all along been non-cooperative and adamant. All the litigations filed by the petitioner starting from the challenge to the notice dated 23rd February, 2026 stood dismissed by the Court. The conduct of the petitioner has not been approved by any of the Hon'ble Benches adjudicating the issue. Despite the same, the petitioner insists on litigating, but does not seem to be at all interested in arriving at a solution. This Court also reiterates the view of the earlier Bench that the petitioner has approached the Court with unclean hands. If the petitioner really has the genuine intention to solve the problem, then solution is readily available.
68. Facts of the case as narrated herein above calls for an order for payment of costs. Keeping in mind that the petitioner is a senior citizen, widow lady, the Court showing leniency upon the petitioner, refrains from imposing any costs. At the same time, the petitioner is cautioned from making aspersions against the Court and making bald and wild allegations against the learned advocate representing the respondents.
69. The writ petition stands dismissed.
70. All parties to act on the basis of the server copy of this judgment duly downloaded from the official website of this Court.

71. Certified server copy of this judgment, if applied for, be supplied to the parties or their advocate on record expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)