

07.08.2026
Item No.03 (DL)
Court No.07
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 17288 of 2026

Sk. Abbash Ali

-Vs-

The State of West Bengal & Ors.

Mr. Nandadulal Bandyopadhyay.
...for the petitioner.

Mr. Srijan Nayak.
...for the WBSEDCL.

1. The writ petition assails a final order of assessment passed under Section 126 of the Electricity Act, 2003 holding the petitioner liable for a sum of Rs.1,83,723/-.
2. Mr. Bandyopadhyay, learned Advocate appearing for the petitioner submits that the order should be set aside on the ground of the same having been passed in derogation of the principles of natural justice. It is submitted that the petitioner was served with a notice of hearing on the same day on which the hearing was scheduled to be taken.
3. Such submission is countered by Mr. Nayak, learned Advocate appearing for the respondent WBSEDCL Authorities. He submits that the petitioner's father duly attended the hearing on September 11, 2025

and the notice of hearing was served one day prior thereto.

4. In support of his submission, he relies on the attendance sheet of the respondent WBSEDCL Authorities wherein, the petitioner's father is stated to have put his signature.

5. A copy of the attendance sheet had been made over to Mr. Bandyopadhyay yesterday when the matter was taken up last to enable him to take appropriate instructions. It is noted that there is a typographical error in the order dated August 6, 2026. The same is hereby corrected by replacing the expression "November" by the expression "September".

6. Today, Mr. Bandyopadhyay is not in a position to dispute the assertion made by Mr. Nayak.

7. An order passed under Section 126 of the Electricity Act, 2003 is assailable in appeal under Section 127 of the 2003 Act. Although, existence of alternative remedy is not a bar to exercise of writ jurisdiction by this Court, yet, since there is no public element involved in the present writ petition and the present case does not fall within any of the well settled exceptions warranting

exercise of writ jurisdiction by this Court, therefore this Court is not inclined to exercise discretion in favour of the petitioner.

8. This writ petition is disposed of without interfering with the final assessment order impugned in the writ petition.

9. This order however will not prevent the petitioner from approaching the appropriate appellate authority strictly, in accordance with law.

10. WPA 17288 of 2026 stands disposed of with the above observations. No costs.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)