

WPA 20656 of 2026

18.08.26
D/L
Sl-10
Ct. 07
(Samar)

Santosh Kumar Laya
Vs.
The WBSEDCL & Ors.

Mr. Sk. Sahjahan Ali,
Ms. Shraya Banerjee,

....for the petitioner.

Mr. Sujit Sankar Koley,

....for the WBSEDCL.

1. The writ petitioner alleges arbitrariness on the part of the respondent WBSEDCL authorities in not restoring the petitioner's electricity supply despite the petitioner having been acquitted in a criminal case initiated under Section 135 of the Electricity Act, 2003 by the respondent WBSEDCL authorities.
2. The petitioner was found to be involved in unauthorised use of electricity. Accordingly, the assessing officer passed an order of provisional assessment which ultimately culminated into a final assessment order under Section 126 of the 2003 Act finding the petitioner liable in a sum of Rs. 2,20,173/- in the year 2015.
3. Subsequently, the petitioner was again found indulging in unauthorized abstraction of electricity and accordingly, another final order of assessment under Section 126 of the 2003 Act was passed holding the petitioner liable for a sum of Rs.

1,90,052/- in the year 2019.

4. Two criminal cases were also initiated against the petitioner under Section 135 of the 2002 Act for two alleged offences of theft of electricity.
5. The petitioner approached this Court seeking anticipatory bail apprehending arrest and bail was granted in respect of both the criminal cases, subject to the condition that the petitioner would deposit fifty per cent of the finally assessed sums in respect of the said two final order of assessments.
6. Subsequently, the first criminal case initiated pursuant to the first allegation of pilferage levelled against the petitioner got concluded by acquitting the petitioner of the charge levelled against him.
7. The petitioner now asserts that since the petitioner has been acquitted of the criminal charges, the petitioner's electricity supply that stood disconnected on the ground of pilferage should be restored.
8. Learned advocate appearing for the petitioner has taken this Court through the order passed by the learned Judge, Special Court, Electricity Act, Tamluk, Purba Medinipur in S.C(E) 34(2) of 2015 to demonstrate that the petitioner has been acquitted of the criminal charges. It is submitted that the petitioner should, therefore, be allowed to enjoy electricity and the WBSEDCL authorities should be

directed to restore supply.

9. Learned advocate appearing for the WBSEDCL authorities submits that the petitioner did not assail any of the two final orders of assessment despite the appellate forum being available to the petitioner. Attention of this Court is also invited an earlier order dated February 07, 2022 passed by a Co-ordinate Bench of this Court in WPA 20261 of 2021 filed by the petitioner to assert that this Court has observed that the final orders of assessment have attained finality.
10. Since, it is evident that the petitioner has not made full payment in respect of the two final orders of assessment which remain undisturbed till date and have attained finality as the time to prefer appeal thereagainst has lapsed, the liability of the petitioner to pay the same still remains. Petitioner's acquittal from the criminal charges would, in the facts in the present case, not absolve the petitioner of the civil liability that still remains attached to the petitioner and that being so restoration of his supply cannot be ordered without the petitioner clearing the dues.
11. It is well settled that criminal liability and civil liability are two separate compartments and acquittal in the criminal case may not always absolve a person of the civil liability that befalls

such person.

12. In such view of the matter, no relief as prayed for by the petitioner can be granted to him. However, if the petitioner pays the finally assessed sums as well as the outstanding dues in respect of the current consumption charges along with the applicable LPSC in accordance with law, the petitioner's supply may be restored.
13. WPA 20656 of 2026 stands disposed of. No Costs.
14. 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.)