

03-03-2021
ct no. 13
Sl.21
sp

WPA 3055 of 2019
Sk. Majiburrahman & Anr.
-Versus-

The West Bengal State Electricity Distribution Company
Limited & Ors.

With
CAN 1 of 2019
(Old No. CAN 10543 of 2019)
(Via Video Conference)

Mr. Avirup Mondal,
Ms. Paramita Maity

...for the petitioners

Mr. Sujit Sankar Koley

...for the WBSEDCL

Modification is sought of the order dated February 21, 2019. By the said order, liberty was granted to the petitioners to prefer an appeal under the provisions of the Electricity Act, 2003 against what the petitioners claimed is a wrongful assessment of dues and arrears.

The time granted to the petitioners was two months to prefer such appeal. The petitioners filed another writ petition (WP 16084 (W) of 2019) before this Court which was permitted to be withdrawn to its order dated September 17, 2019.

The instant application was affirmed on November 4, 2019 yet no steps appear have been taken until March 2021 for getting the matter listed and heard. It is submitted that the appeal under the 2003 Act could not be preferred for want of format of appeal. It is further submitted

that the petitioner is a student and is also unable to pay the pre-deposit requirement for appeal.

This Court notes inordinate delay and a very casual attitude on the part of the petitioners. The allegation, inter alia, against the petitioners is theft of electricity. The petitioners have allowed time to lapse and have been inactive in pursuing their reliefs. The prayer for extension of time to file appeal, cannot be entertained on the ground '*Vigilantibus Non Dormientibus Jura Subveniunt*'. The facts emerging after the order dated February 21, 2019 was passed, do not warrant any modification of the said order.

Hence, CAN 1 of 2019 (Old No. CAN 10543 of 2019) shall stand dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties.

(Rajasekhar Mantha, J.)