

08.12.2020  
D/L- 21  
(PP)

**WPA 1200 of 2020**

**Sk. Jahiruddin  
Vs.  
West Bengal State Electricity Distribution  
Company Limited & Ors.**

Mr. Arun Naskar

....for the petitioner.

Mr. Ram Mohan Chattopadhyay

....for W.B.S.E.D.C.L.

The petitioner alleges that West Bengal State Electricity Distribution Company Limited (in short, “WBSEDCL”) had unlawfully and illegally has disconnected the electric supply of the petitioner. The allegation is unauthorised use of electricity. A provisional assessment was made on 5<sup>th</sup> November, 2018 for a sum of Rs.34,824/-. The petitioner was asked to deposit the sum within a period of 15 days from the date of the said provisional assessment order. The petitioner has deposited the provisional assessment. The final assessment has been made for a sum of Rs.26,213/-. The petitioner also disputes the final assessment.

Under the statute, if a consumer disputes the final assessment then the consumer has to prefer an appeal. The petitioner, for reasons unknown, has not preferred an appeal and has approached this Court on or about 20<sup>th</sup> January, 2020, at a much belated stage.

The time to prefer an appeal has long elapsed prior to the petitioner approaching this Court by dint of the instant writ petition. The petitioner says that he has paid a sum Rs.13,000/- on 6<sup>th</sup> April, 2019 and a further sum of Rs.2,643/- on 16<sup>th</sup> September, 2019. The petitioner has also deposited a sum of Rs.100/- on 16<sup>th</sup> September, 2019.

The advocate for WBSEDCL says that the deposit of Rs.13,000/- is on account of unmetered consumption. The sum of Rs.2643/- is on account of regular bill and a sum of Rs.100/- on account of reconnection charges.

It appears from an order dated 10<sup>th</sup> April, 2019 passed in C.R.M. 3501 of 2019 that the petitioner had by then deposited Rs.13,000/- out of unmetered consumption charges of Rs.26,213/-.

This Court at this stage does not intend to go into the dispute regarding the head of payment of Rs.2643/- made by the petitioner on 16<sup>th</sup> September, 2019. I think justice will be sub-served if the time to prefer an appeal by the petitioner is extended so that the petitioner can ventilate all his grievances before the appellate authority. Since the petitioner has already paid about 50% of the unmetered consumption, the petitioner will be entitled to restoration of electricity on payment of further sum of Rs.2000/-. The payment has to be made within 22<sup>nd</sup> December, 2020.

WBSEDCL within 48 hours from receipt of the said sum of Rs.200/- shall reconnect the electricity at the petitioner's premises. The petitioner is permitted to prefer an appeal before the appropriate authority within 23<sup>rd</sup> December, 2020. The appellate authority shall not insist upon payment of the entire unmetered consumption as a pre-condition for filing the appeal but will see that the petitioner has either paid or deposit 75% of Rs.26,213/-. The appellate authority shall take into account the sum of Rs.13,000/- already paid by the petitioner and the sum of Rs.2,000/- that may be paid by the petitioner in terms of this order of arriving at the 75% amount for preferring the appeal.

In the event the petitioner prefers the appeal within 23<sup>rd</sup> December, 2020, then the appellate authority within two months from the date of the appeal after hearing the parties shall pass a reasoned order. The appellate authority shall be free to decide on the mode of hearing that is whether physical or through virtual mode, but strict adherence to the principles of natural justice has to be made.

In the event the petitioner fails to prefer an appeal within the time period provided, WBSEDCL will be entitled to recover the entire sum of Rs.26,213/- from the petitioner.

Nothing further remains to be decided in this application. The writ petition is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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

**(Arindam Mukherjee, J.)**