

14.12.2020
D/L- 32
(PP)

WPA 4311 of 2020

**Samina Khatoon
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.**

Mr. Bikaram Banerjee

....for the petitioner.

Mr. S. S. Koley

....for WBSEDCL.

Petitioner's case in short is that the petitioner wanted a new connection and had deposited the money as asked for by West Bengal State Electricity Distribution Company Limited (in short WBSEDCL). WBSEDCL, however, did not give any connection despite representations by the petitioner. Thereafter, WBSEDCL to take revenge falsely implicated the petitioner in a case for theft of electricity. WBSEDCL had made a provisional assessment and then a final assessment of Rs.1,23,491/- on 7th December, 2019.

This Court in writ jurisdiction cannot go into the theft issued as to the sum finally assessed by WBSEDCL. Unless this issue is finally adjudicated the petitioner's prayer for new connection cannot also be considered.

The petitioner's case was considered on 7th December, 2020 and an order was made for the purpose of the petitioner's advocate taking specific instruction from the petitioner as indicated in the said order.

The petitioner's advocate submits today that the petitioner is not in a position to even pay a sum of Rs.40,000/- up-front within 24th December, 2020 as

observed by this Court today instead of 50% of the final assessment as observed on 7th December, 2020.

In such circumstances, the only order which can be passed is relegating the petitioner to avail the remedy of preferring an appeal under Section 127 of the Electricity Act, 2003 by extending the time to file appeal.

The petitioner will be at liberty to prefer an appeal before the appellate authority within 21st December, 2020. In the event, the appeal is filed within such time frame, the appellate authority shall proceed to hear the appeal on merits on all issues raised by the petitioner without going into the limitation aspect in preferring the appeal and influenced by this order. The petitioner shall have to comply with all the statutory requirements otherwise needed to prefer an appeal.

Nothing further remains to be adjudicated in this writ petition. The same 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.)