

07.12.2020
D/L- 7
(PP)

WPA 4518 of 2020

Anup Gayen
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

Mr. Aviroop Bhattacharya
....for the petitioner.

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

The petitioner was operating a submersible pump under the consumer ID No.104245150. The supply was disconnected on 7th February, 2020. The petitioner says that the bills raised by the respondent no.1 on 2nd January, 2020 had been paid on 29th January, 2020 and as such, there could not have been any due save and except normal consumption made till 7th February, 2020 from the date of the previous reading.

The respondent no.3 on behalf of the respondent no.1 has passed the order of final assessment on 14th February, 2020 by assessing a sum of Rs.1,38,826/- to be due and payable by the petitioner. The petitioner was given a seven days' time to make such payment. The petitioner has disputed not only the assessment but has also stated to have made verbal objection at the hearing against the provisional assessment bill. Ignoring such objection, the Assessing Officer

(respondent no.3), according to the petitioner, has arrived at the final assessment.

The statute provides the petitioner a right to appeal in the event the petitioner disputes the final assessment. The 30 days period for preferring the appeal had expired on 13th March, 2020 since the petitioner states to have been communicated the final assessment order on 14th February, 2020. The time to prefer an appeal can be extended. As the time elapsed just prior to lockdown and a state of uncertainty was prevailing, the petitioner is permitted to file an appeal within 21st December, 2020 upon fulfilling the other statutory requirements. In the event the petitioner prefers such appeal, the appellate authority should dispose of the said appeal within a month from the date of filing after affording the parties a reasonable opportunity to represent his case. The appellate authority is free to decide as to the procedure of hearing which may be physical or virtual but adherence to principles of natural justice should be complied with.

Subject to the petitioner paying an ad hoc sum of Rs.70,000/- to WBSEDCL within 22nd December, 2020 to be adjusted against the final assessment to be made in the appeal or against the final assessment already made if no appeal is filed by the petitioner, the supply to the petitioner be restored within 48 hours from

making of payment. The supply on being restored shall continue to remain till after 10 days from the date of passing the order in appeal subject to the petitioner making all payments regularly for the consumption. If the petitioner gets his connection restored on payment but fails to prefer an appeal, WBSEDCL shall be at liberty to adjust the payment for restoration against the sum already assessed and realise the balance from the petitioner failing which WBSEDCL shall be entitled to disconnect petitioner's supply.

Since no affidavits have been called for, allegations made in the writ petition are deemed to have not been admitted by the respondents.

The writ petition is disposed of accordingly without any order as to costs.

(Arindam Mukherjee, J.)