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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5002 of 2020
(Through Video Conference)

Sahaban Sekh
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee
... For the petitioner.

Mr. Rammohan Chattopadhyay
.... For WBSEDCL

The petitioner enjoys two separate electric connections for the purpose of operating submersible pump in two different agricultural plots of land. The petitioner, in respect of both the connections was found to have been using electricity in an unauthorized manner. The electricity connections in respect of both the supply of the petitioner were disconnected and two separate provisional assessment bills were issued to the petitioner. Thereafter, the final assessment bill has been raised on 2nd March, 2020, pursuant to a final order also dated 2nd March, 2020 in respect of Consumer ID301798595. The final assessed sum is Rs.1,80,208/-. The said sum was required to be paid within 5th March, 2020. In respect of the other connection of the petitioner under Consumer

ID300197197, a final bill was raised for a sum of Rs.1,22,838/- on 2nd March 2020 pursuant to the order dated 2nd March, 2020. The due date for making payment of the assessed sum in respect of the second connection was 3rd March, 2020. The petitioner has challenged the two final assessment orders by filing the instant writ petition on 12th March, 2020. The petitioner has also sought for reconnection.

So far as to the dispute regarding the final assessment order is concerned, the petitioner's remedy lies in preferring an appeal under section 127 of the Electricity Act, 2003 (hereinafter referred to as the 2003 Act.). The appeal has to be preferred within a period of 30 days from the date of the final order. In the instant case, 30 days period has expired in early April, 2020. The writ petition has, however, been filed prior to the expiry of the period to prefer the appeal. The time limit for preferring the appeal can be extended. Moreover, the time expired within the period of national lockdown. In view of the order passed by the Hon'ble Supreme Court of India, the limitation period in respect of any appeal stands extended with effect from 15th March, 2020. Time to prefer the appeal by the petitioner is, therefor, extended by permitting the petitioner to prefer an appeal within 15th January, 2021.

Two separate appeals have to be preferred in respect of two final assessment orders, referred to hereinabove.

The appellate authority, if approached, shall decide the petitioner's case as expeditiously as possible but not beyond three months from the date of being approached.

So far as the issue of reconnection is concerned, the petitioner shall have to pay 50% of Rs.1,80,208/- to have the reconnection in respect of Consumer ID 301798595 and 50% of Rs.1,22,838/- with regard to Consumer ID 300197197. The payment has to be made within 10th January, 2021.

In the event, the petitioner fails to prefer an appeal within the timeframe provided, it will be open to WBSEDCL, to realise the assessed sum under the two bills referred hereinabove, in accordance with law.

On payment of 50% of the assessed amount, the WBSEDCL, shall within 48 hours from such payment being made by the petitioner, will restore electric supply in respect of both the connections of the petitioner. In the event, the petitioner pays in respect of any one supply then the same shall be restored and the other shall remain disconnected.

The appellate authority while computing

the amount required to be paid by the petitioner under the provisions of section 127 (2) of the 2003 Act, shall take into consideration the amount paid by the petitioner for obtaining reconnection.

It is made clear that the petitioner will have to pay the regular electricity bills that may be raised from time to time after the reconnection and in default, WBSEDCL, shall be at liberty to take all measures as are permissible in law against the petitioner.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

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

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance of all formalities.

(Arindam Mukherjee, J.)