

March 02, 2021

ARDR

(22)

WPA 1352 of 2021

Md. Mehatabuddin Molla

Vs.

CESC Ltd. & anr.

Mr. Indranil Halder,

...for the petitioner.

Mr. Rajiv Lal,

...for the CESC Ltd.

The grievance of the petitioner is directed against a provisional order of assessment dated 16th May, 2019 and the final order of assessment dated 12th June, 2019.

The petitioner submits that the respondent Corporation has illegally disconnected their electricity connection and prays for appropriate relief.

The petitioner further submits that he is ready and willing to deposit fifty per cent of the disputed amount on the condition that the respondent Corporation be directed to forthwith reconnect the electricity connection to the petitioner.

Mr. Lal appearing on behalf of the respondent Corporation relies on Section 127 of the Electricity Act, 2003 and contends that the petitioner has an alternative remedy to approach the Appellate Authority within a period of thirty days from the impugned order.

He further submits that filing of this writ petition is an attempt by the petitioner to revive a remedy which should have been exhausted a long time ago.

He further submits that there is a theft of electricity in the facts of this case and the petitioner is not entitled to any electricity at all.

I have heard the parties.

It is an admitted position that the petitioner assails a final order of assessment dated 12th June, 2019.

I am of the view that in case of filing of an appeal within the statutory prescribed time period when the trigger under Section 127(2) comes into force then the petitioner has a right to deposit an amount equal to half of the amount in which case, the respondent Corporation is obliged to restore the electric connection of the petitioner.

However, in the peculiar facts of the instant case, I am of the view that there is gross inordinate, undue and unexplained delay on the part of the petitioner in approaching this Court.

The petition was filed on 14th January, 2021 after a lapse of approximately two years since the passing of the final assessment order. Moreover, in view of the fact that there are allegations of theft, I am

not inclined to exercise any discretion in favour of this petitioner.

WPA 1352 of 2021 is dismissed. However, there will be no order as to costs.

However, the petitioner is granted liberty to approach the Appellate Authority within a period of fifteen days from date after complying with all statutory formalities.

(Ravi Krishan Kapur, J.)