

March 03, 2021

ARDR

(25)

WPA 1610 of 2021

Abbas Banu @ Banarasi

Vs.

CESC Ltd. & ors.

Mr. Indranil Halder,

...for the petitioner.

Ms. Nandini Mitra,

Mr. Madhusudan Saha Roy,

...for the CESC.

The grievance of the petitioner is directed against a final order of assessment dated 20th December, 2020.

The CESC Limited is represented and submits that this is a case of theft of electricity and the petitioner have a statutory remedy under Section 127 of the Electricity Act, 2003.

It is submitted on behalf of the CESC that the petitioner has to deposit a statutory amount of the assessed amount as a condition precedent to filing an appeal.

In view of the statutory remedy available to the petitioner under Section 127 of the Electricity Act, 2003, I am of the view that the petitioner has an alternative, statutory and efficacious remedy available to him.

In view of the aforesaid WPA 1610 of 2021 is dismissed on the ground of maintainability.

However, the petitioner is granted liberty to approach the Appellate Authority in terms of Section 127 of the Electricity Act, 2003 in accordance with law, if so advised. If any such appeal is filed, the Appellate Authority is requested to expeditiously dispose of the same in accordance with law.

(Ravi Krishan Kapur, J.)