

W.P.A. 2975 of 2021
(Golam Rasul Laskar vs. CESC Ltd. & Anr.)

Mr. Indranil Halder
.... For the Petitioner

Mr. Om Narayan Rai
.... For the CESC Ltd.

The grievance of the petitioner is directed against a notice of disconnection dated 18th December, 2020. The petitioner submits that he is ready and willing to pay 50 per cent of the final assessment amount upon condition that the respondents CESC Ltd. restores the electric connection.

Counsel on behalf of the CESC Ltd. is represented and submits that final order of assessment dated 17th December, 2020 in respect of the electricity connection of the petitioner has been passed and the petitioner has a statutory efficacious remedy in law. He relied on two judgments reported in **(2012) 3 C.L.J. 587 (Graviour Printing Industries vs. CESC Ltd. & Ors.)** and **(2011) 1 C.L.J. 477 (Tarun Pal vs. West Bengal State Electricity)** to contend that in view of the efficacious statutory remedy available to the petitioner,

this Court ought not to exercise its discretion in his favour.

I have considered the rival submissions of the parties. I am of the view that in view of express language of Sections 126 and 127 of the Electricity Act, 2003, the petitioner has an efficacious remedy in law.

In view of the statutory remedy available to the petitioner, I am not inclined to entertain this writ petition.

However, Mr. Halder appearing for the petitioner submits that his client is ready and willing to approach the Appellate Authority.

Liberty is granted to the petitioner to file such appeal in accordance with law within a period of 7 days from date. If any such appeal is filed, the appellate authority is requested to consider the same in accordance with law as expeditiously as possible.

With the aforesaid directions, W.P.A. 2975 of 2021 is disposed of.

There shall be no order as to costs.

Photostat certified copy of the order,
if applied for, be given to the parties on
compliance of requisite formalities.

(Ravi Krishan Kapur, J.)