

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**W.P.A. No. 4221 of 2021
With
IA NO.: C.A.N. 1 of 2021**

**Goutam Biswas
Vs.
State Electricity
Distribution Co. Ltd. & Ors.**

Mr. Tulshidas Ray,
Mr. Tirthankar Roy
... for the petitioner

Mr. Srijan Kumar Nayak,
Ms. Rituparna Maitra
...for the WBSEDCL

At the inception, learned counsel for the petitioner submits that the petitioner is agreeable to deposit fifty percent of the entire dues on condition that the Distribution Company restores the electric connection to the petitioner's premises, from which the petitioner is running a business.

Learned counsel appearing for the Distribution Company, placing reliance on Section 42 of the Electricity Act, 2003, specifically points out that the provisions of the said Section grants a remedy to anyone aggrieved with an assessment, to approach the Grievance Redressal Officer and, thereafter, the Ombudsman with an appeal, upon prior deposit of fifty

percent of the dues. Since the statute gives merely the right to prefer an appeal upon deposit of fifty percent of the total dues, it is submitted that this Court ought not to grant a relief by directing reconnection, which is beyond the scope of the statute itself.

There is substance in the contention of learned counsel for the Distribution Company in view of the statutory pre-condition of depositing fifty per cent of the total dues is for the purpose of preferring an appeal only. The final relief expected in the appeal cannot be granted at this stage by directing the Distribution Company to restore the electric connection upon payment of fifty percent of the dues which will overreach the provision of law, as indicated above.

Accordingly, W.P.A. No. 4221 of 2021 and C.A.N. 1 of 2021 are disposed of as not maintainable. The petitioner will be at liberty to approach the appropriate appellate authority in the event the petitioner is aggrieved with the order of the Grievance Redressal Officer.

It is further clarified that in the event of any other subsequent cause of action having arisen, the petitioner will be at liberty to approach the appropriate authority for adjudication of the same.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)