

April 07, 2021

ARDR

(43)

WPA 6658 of 2021

Arup Pal

Vs.

WBSEDCL & ors.

Ms. Sarda Sha,

..for the petitioner.

Ms. Bandana Basu,

...for the WBSEDCL.

The grievance of the petitioner is for refund of a sum of Rs.1,41,833/- paid to the respondent Distribution Company.

It is submitted that the petitioner has paid the entire final assessment amount in terms of the bill raised by the respondent Distribution Company.

The petitioner seeks refund of the aforesaid amount on the ground that the Criminal Court has acquitted the petitioner.

I have considered the submissions made on behalf of the parties.

I am of the view that even though the Criminal Court acquitted the petitioner, it is no ground for the respondent Distribution Company to refund the amount paid to the petitioner.

It is elementary that the scope of the Criminal Court proceeding and the proceedings initiated by the respondent Distribution Company are different and distinct.

I am of the view that the proceedings under Sections 126 and 135 of the Act stand on a separate and independent footing and do not depend on each other.

In view of the aforesaid, there is no merit in the writ petition.

Accordingly, WPA 6658 of 2021 is dismissed. However, there shall be no order as to costs.

(Ravi Krishan Kapur, J.)