

23.06.2021

Ct. No.13
Sl. No.15
akd

W.P.A. 8611 of 2021 [via video conference]

[Mosaraf Hossain @ Babar Ali Sk. -Vs- West Bengal State Electricity Distribution Company Ltd. & Ors.]

Mr. Partha Sarathi Bhattacharyya

Mr. Bidyut Baran Biswas

... .. for the petitioner

Mr. Sujit Sankar Koley

... .. for the WBSEDCL

The subject matter of the writ petition is an order of the appellate authority for Nadia district dated 5th February, 2021 in Appeal Petition No. 66 of 2020 dated 24th April, 2018. It appears from the said order that the appellant was personally present before the appellate authority. It is recorded by the appellate authority that in course of hearing the appellant had unconditionally admitted and agreed to theft of electricity. It is further recorded that the appellant prayed for recalculation after reducing consumption hours which the SM, Plassey, CCC, WBSEDCL had agreed. A consent order appears to have been passed on 5th February, 2021.

Mr. Partha Sarathi Bhattacharyya, learned senior counsel appearing for the petitioner would argue before this court that his client had not consented to the said order.

It is now well settled in the event any incorrect recording is made by any authority, court or Tribunal, the first proceeding that must be taken out is to seek rectification before the said authority, court or Tribunal. Not having done so and having filed the instant writ petition on the ground that the order is cryptic, cannot be countenanced by this court. The final order was

passed on 5th February, 2021. The writ petition has been filed on 18th March, 2021 and moved today. The conduct of the petitioner does not appear to be bonafide.

This Court, therefore, is not inclined to entertain the prayer of the writ petitioner.

The writ petition, therefore, stands dismissed with costs assessed at Rs.5,100/- payable by the writ petitioner to the WBSEDCL within a period of one month from date.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)