

06.08.2021

Ct. No.13

Sl. No.34

pk/akd

W.P.A. 11354 of 2021 [via video conference]

*[Kailash Chand Beriwal @ Kailash Chandra Agarwal -Vs- Mr. Subhasish Ray,
Appellate Authority, CESC Ltd., WBSEDCL & Ors.]*

Mr. Pawan Kumar Gupta

Mr. Ajoy Dhand

Ms. Sofia Nesar

Mr. Santanu Sett

... .. for the petitioner

Mr. Kanak Kiran Bandyopadhyay

... for respondent nos.1 & 4

Dr. Madhusudan Saha

... for respondent nos.2 & 3

The writ petitioner seeks condonation of delay of eight days in filing the appeal against the final order of assessment dated 16th January, 2021.

Reliance is placed on the decision of the Hon'ble Supreme Court dated 23rd March, 2020 in Suo Motu Writ Petition No.3 of 2020.

Learned counsel for the CESC Ltd. as well as learned counsel for the WBSEDCL aggressively oppose the application on the ground that the petitioner was always appearing before the authorities and the authorities were always functional.

This Court notes that while it is true that the authorities were functioning and infact the petitioner was appearing, before them, and also that the appeal was filed on 23rd February, 2021, the petitioner is entitled to take advantage of the aforesaid order of the Hon'ble Supreme Court.

In that view of the matter, the appellate authority is directed to dispose of the petitioner's appeal within 30 days from

date after complying with all the formalities under the relevant Statutes and Rules.

It is pointed out by the learned counsel for the WBSEDCL that the appellate authority has since changed and currently Mr. Sanjay Kumar Bhunia is functioning as the appellate authority.

With the aforesaid directions, the writ petition is disposed of.

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.)