

AD. 27.
December 14, 2021.
MNS.

(Through Video Conference)

WPA No. 16200 of 2021

Yousuf Ali Biswas
Vs.
CESC Limited and others

Mr. Mukteswar Maity

... for the petitioner.

Dr. Madhusudan Saha Roy

...for the CESC Limited.

Affidavits-in-opposition and reply filed in Court today be kept on record.

Learned counsel for the petitioner, at the outset, submits, in his usual fairness, that the impugned decision of final assessment is appealable before the appellate authority under Section 127 of the Electricity Act, 2003. As such, the petitioner seeks to withdraw the writ petition with liberty to prefer an appeal before the appropriate forum.

Learned counsel appearing for the CESC Limited contends that the appeal is time-barred at this juncture and the writ petition was preferred apparently to bypass the limitation in preferring such challenge. That apart, learned counsel for the CESC Limited raises several objections on the factual allegations made by the petitioner as well.

However, since learned counsel for the petitioner is justified in submitting that an appeal lies under Section 127 of the 2003 Act against the final assessment order, it would be premature for the writ court to enter into the factual disputes.

WPA 16200 of 2021 is dismissed as withdrawn, with liberty to the petitioner to prefer a challenge before the appropriate authority against the impugned decision of final assessment, subject to the law of limitation and in accordance with law.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)