

MAT 1195 of 2021
With
CAN 1 of 2021
Mir Mustak Ahamed
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Jayanta Samata
Mr. Maidul Islam Kayal

... for the appellant

Mr. Sujit Sankar Koley

... ... for the WBSEDCL

Mr. Jahar Dutta
Mr. Bipin Ghosh

... ... for the State

This appeal is directed against the order of the learned Single Judge dated 29th October, 2021 whereby WPA 17425 of 2021 was disposed of by observing that against the assessment order the appellant has ready of filing the appeal and that the appellate authority will consider the issue of restoration of the electricity connection.

It has been pointed out by the learned counsel for the parties that the appellant is running a school and the matter relates to the electricity connection in the school premises and there was an allegation that the appellant had committed theft of electricity during lockdown period of 21st January, 2020 to 18th March, 2020. Subsequently for the said period assessment under Section 126 of the Electricity Act, 2003 has been completed and the amount payable by the appellant has been assessed.

A perusal of the record reflects that in the writ petition the prayer was made by the appellant for restoration of the electricity connection.

Counsel for the appellant has pointed out that 50% of the assessed amount as required by Section 127 of the Act has already been paid and the appellant is also ready to deposit the balance assessed amount in three equal installment within a period of three months.

Learned Single Judge has already observed that if the appellant deposits the balance half of the assessed amount then the appellate authority will consider the issue in accordance with law.

It is undisputed before this court that the appellate authority will be examining the correctness of order of assessment and will not be going into the issue of restoration of the electricity connection.

Having regard to the fact that the electricity connection relates to a school imparting education to the students from class-V to X and the fact that the half of the assessed amount has already been deposited by the appellant, we are of the opinion it would be in the interest of justice that electricity connection is restored to the school premises. Hence we dispose of this appeal with a limited modification of the order of the learned Single Judge in respect of the restoration of the electricity connection and directing the respondent authorities to restore the electricity connection to the school premises forthwith.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)