

AD. 25.
December 13, 2021.
MNS.

(Through Video Conference)

WPA No. 18737 of 2021

Ataur Rahman
Vs.
The Regional Manager,
Calcutta Electric Supply Corporation
Limited and others

Mr. Sourav Guha

... for the petitioner.

Mr. Susanta Pal,
Mr. Ananda Dulal Sarkar

...for the State.

Affidavit-of-service filed in Court today be kept on record.

Learned counsel for the petitioner argues that the petitioner's application, annexed at page 15 of the writ petition dated November 3, 2021, has been overlooked by the respondent-authorities.

It is further contended that there is an existing complaint of theft at the behest of the Calcutta Electric Supply Corporation Limited (in short "the CESC Limited'), for which the private respondent, and not the petitioner, was responsible.

Despite service, none appears on behalf of either the CESC Limited or the private respondent, although the State is represented through counsel.

It appears from the materials on record that the petitioner has raised an objection with regard to the

complaint filed in respect of theft of electricity at the petitioner's premises. Since there are specific provisions of law under which, for the purpose of provisional assessment under Section 126 or final assessment within the purview of Section 127 of the West Bengal Electricity Act, 2003, the petitioner-consumer is mandatorily to be given an opportunity of hearing/representation before such assessment is made and since the petitioner is, of course, entitled to a right of hearing before the criminal complaint against the petitioner is resolved finally by a competent court and/or authority, there is no scope of interference in the present writ petition.

Accordingly, WPA No. 18737 of 2021 is disposed of by granting the petitioner liberty to agitate all points canvassed in the present writ petition before the appropriate judicial authorities in the proceeding in connection with theft and/or any proceeding in respect of assessment regarding the alleged dues from the consumer-petitioner in respect of the meter-in-question.

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.)