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24.12.2021
TN

WPA No.20309 of 2021

Minu Rani Maity and another
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Kushal Chatterjee,
Mr. Saptarshi Kumar Mal

.... for the petitioners

Mr. S.S. Koley

.... for the WBSEDCL

Learned counsel for the petitioners challenges an order of final assessment in respect of an electric meter of the petitioners.

It is submitted by the petitioners that such connection has not been restored as yet on the above ground.

Learned counsel for the Distribution Company submits that a handwritten letter was given and signed by the petitioner no.2 to the assessing authorities, indicating that the petitioner no.2 will not repeat the act of pilferage of electricity again.

Learned counsel appearing for the petitioners hands up a copy of a letter written in Bengali vernacular and contends that such letter was procured from the petitioner no.2 by misrepresentation that, on giving such letter, the connection would be restored. Such contention is controverted by learned counsel for the Distribution Company.

In view of the above circumstances, the factual adjudication which is required on the specific allegation of the petitioners regarding the alleged misrepresentation cannot be decided on taking evidence in the present writ petition.

Accordingly, WPA No.20309 of 2021 is disposed of by granting the petitioners liberty to prefer an appeal before the appropriate appellate authority against the final order of assessment passed in respect of the petitioners' electric meter.

If so approached, the appellate authority shall decide the same in accordance with law on its own merits without being influenced in any manner by any of the observations made herein.

It is made clear that the challenge as regards the alleged misrepresentation can also be urged by the petitioners before the appellate authority. If so urged,

the appellate authority shall decide on the same as well in accordance with law.

The letter filed in court today be kept on record.

It will be open to the Distribution Company to give reconnection of the previously snapped electric connection upon compliance of all due formalities by the petitioners.

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.)