

March 15, 2021

ARDR

(8)

WPA 20902 of 2019

+

(IA CAN 1 of 2020)

DLX Limited & anr.

Vs.

WBSEDCL & Ors.

Mr. R. Bhattacharya,

Mr. P. Ghose,

Mr. Avishek Roy Chowdhury,

...for the petitioners.

Mr. Sumit Kumar Panja,

Mr. Sumit Ray,

...for the WBSEDCL.

The grievance of the petitioner pertains to an order of final assessment passed under Section 126 of the Electricity Act, 2003.

The petitioners assail the said order on the ground that the same does not take into consideration the true and correct facts and circumstances of the case.

The petitioner further submits that the allegations of theft imposed on the petitioner are unfair and unreasonable.

Counsel appearing on behalf of the WBSEDCL submits that the petitioner has a statutory alternative and efficacious remedy under Section 127 of the Electricity Act, 2003 which provides for a statutory right of appeal to the petitioner.

I am of the view that in the light of the statutory efficacious and alternative remedy which the petitioner has in law, there is no scope for entertaining this writ petition.

Accordingly, WPA 20902 of 2019 stands dismissed. However, there shall be no order as to costs.

The petitioners are granted liberty to approach the Appellate Authority within a period of two weeks from date in accordance with law and after complying with all necessary formalities.

The Appellate Authority will also take into account the amount of fifty per cent of the demand which aggregates to approximately Rs.17 lakhs and which is lying with the respondent authorities in terms of an interim order dated 1st June, 2019.

I make it clear that I have not gone into the merits of the case and the Appellate Authority is at liberty to decide all questions on the merits of the case without being influenced by any observation made in this order.

The respondent authorities will also consider the question of any proposed coercive action in accordance with law by the respondent authorities against the petitioners.

(Ravi Krishan Kapur, J.)